

FURTHER PAPERS

RESPECTING

THE EAST-INDIA COMPANY'S

CHARTER.

1833.

LONDON

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1833.

LIST OF PAPERS.

No.		Page
68.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman; dated 11th June 1833	223
69.	Minute of a Secret Court of Directors, held on Tuesday, the 25th June 1833	<i>ib.</i>
70.	Correspondence relating to the Constitution of the Indian Governments:	
	1. Copy of a Letter from George Swinton, Esq., Chief Secretary to the Governor General in Council at Bengal, to Peter Auber, Esq., Secretary to the Secret Committee of the Court of Directors of the East-India Company; dated Fort St. George, 9th November 1830	225
	2. Copy of a Minute by Sir C.T. Metcalfe	<i>ib.</i>
	3. Copy of a Minute by Mr. Bayley	235
	4. Extract of a Letter from the Secretary to the Governor General of India, to Peter Auber, Esq., Secretary to the Secret Committee of the Court of Directors; dated Simlah, 14th September 1831 ...	246
	5. Copy of a Minute by the Governor General; dated Simlah, 14th September 1831	<i>ib.</i>
	6. Copy of a Letter from the Chief Secretary to the Governor General in Council at Bengal, to Peter Auber, Esq., Secretary to the Secret Committee of the Court of Directors; dated Fort William, 28th October 1831	254
	7. Copy of a Letter from the Secretary to the Governor General of India to George Swinton, Esq., Chief Secretary to Government, Fort William; dated Simlah, 10th October 1831	<i>ib.</i>
	8. Copy of a Letter from the Earl of Dalhousie, Commander in Chief in India, to Lord William Bentinck; dated Simlah, 27th September 1831	<i>ib.</i>
71.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman; dated 24th June 1833	259
72.	Summary enclosed with Letter from the Right Hon. Charles Grant; dated the 24th June 1833	<i>ib.</i>

LIST OF PAPERS.

No.		Page
73.	Minute of a Secret Court of Directors, held on Wednesday, the 26th June 1833	262
74.	Letter from the Chairman and Deputy-Chairman to the Right Hon. Charles Grant; dated 26th June 1833	263
75.	Minute of a Secret Court of Directors, held on Friday, the 28th June 1833 ...	264
76.	Letter from the Right Hon. Charles Grant to the Chairman and Deputy-Chairman; dated 27th June 1833	<i>ib.</i>
77.	Minute of a Secret Committee of the whole Court, held on Friday, the 28th June 1833	267
78.	Minute of a Secret Court of Directors, held on Monday, the 1st July 1833 ...	268
79.	Letter from the Right Hon. Charles Grant to the Chairman and Deputy Chairman; dated 29th June 1833	269
80.	Bill for effecting an Arrangement with the India Company, and for the better Government of His Majesty's Indian Territories	270
81.	Minute of a Secret Committee of the whole Court, held on Monday, the 1st July 1833	305
82.	Report from the Committee of the whole Court; dated 1st July 1833 ...	<i>ib.</i>
83.	Draft Letter from the Chairman and Deputy-Chairman to the Right Hon. Charles Grant: dated the 2d July 1833	306

No. LXVIII.

LETTER *from the Right Honourable* CHARLES GRANT *to the*
CHAIRMAN *and* DEPUTY CHAIRMAN.

India Board, June 11, 1833.

GENTLEMEN :

I have the honour to acknowledge the receipt of your letter of yesterday's date, inclosing a copy of the Resolution of the Court of Proprietors, concurring in the opinions, and adopting the recommendation of the Court of Directors, on the subject of the East-India Company's Charter.

I have the honour to be, Gentlemen,

Your most obedient and humble servant,

(Signed) C. GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. LXVIII.

Letter from
the Right Hon.
Charles Grant,
11 June 1833.

No. LXIX.

AT A

SECRET COURT OF DIRECTORS,

Held on Tuesday, the 25th June 1833.

No. LXIX.

The Chairman acquainted the Court, that he had caused it to be specially summoned, for the purpose of laying before the Court certain Minutes recorded by Members of the Bengal Government, in the Secret Department, relating to the constitution of the Indian Governments, and to some other points adverted

Court of Directors,
25 June 1833.

No. LXIX. to in the proceedings of the Finance Committee which assembled at Calcutta in the year 1830.
 Court of Directors,
 25 June 1833.

The undermentioned Letters and Minutes were then laid before the Court, and read, viz.

Letter from the Chief Secretary to Government, dated Fort William, the 9th November 1830.

Extract Letter from Mr. Prinsep, Secretary to the Governor General of India, dated Simlah, the 14th September 1831.

Letter from the Chief Secretary to Government, dated Fort William, the 28th October 1831.

Letter from Mr. Prinsep, Secretary to the Governor General of India, to the Chief Secretary to the Bengal Government, dated Simlah, the 10th October 1831.

Minute by Sir Charles T. Metcalfe, dated the 18th October 1830.

Minute by W. B. Bayley, Esq., dated the 9th November 1830.

Minute by the Governor General, dated Simlah, the 14th September 1831, and

Letter from the Commander-in-Chief to the Governor General, dated Simlah, the 27th September 1831.

The Chairman acquainted the Court that he had likewise caused it to be specially summoned, for the purpose of laying before the Court a paper forwarded to the Chairman and Deputy Chairman by the President of the Board of Commissioners, containing a Summary of such of the principal provisions of the proposed Bill respecting the East-Indies, as relate to the constitution of the Indian Governments, the admission of Europeans into India, and the condition of the Natives.

The said Paper was read :—

A letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, dated the 24th instant, forwarding the Summary above-mentioned, with a request that it may be submitted to the Court, and stating that there are other provisions of moment which are not included in the Summary, and upon which he proposes to transmit another paper, was likewise read.

It was then

Resolved, That the letter from Mr. Grant to the Chairman and Deputy Chairman, and the Summary therewith transmitted, be referred to the consideration of a Committee of the Whole Court.

No. LXX.

CORRESPONDENCE *relating to the* CONSTITUTION *of the* INDIAN
GOVERNMENTS.

- 1.—COPY of a Letter from GEO. SWINTON, Esq. *Chief Secretary to the Governor-General in Council at Bengal*, to PETER AUBER, Esq. *Secretary to the Secret Committee of the Court of Directors of the East-India Company*; dated Fort William, Nov. 9, 1830.

SIR :

With reference to the letter from the Territorial Department, No. 2 of 1830, under date the 7th September last, I am directed by the Honourable the Vice-President in Council to transmit to you, for the purpose of being laid before the Honourable the Secret Committee, copies of Minutes recorded by Sir Charles Metcalfe and Mr. Bayley, the former dated 18th ultimo, and the latter of this date.

2. Transcripts of these Minutes have also been transmitted to the Right Honourable the Governor-General.

I have the honour to be, Sir, your most obedient humble servant,

(Signed) GEORGE SWINTON,
Chief Secretary to the Government.

2.—COPY of a MINUTE by Sir C. T. METCALFE.

THE Finance Committee having been invited to submit their sentiments on the subject of the constitution of the Indian Governments, have suggested such reforms as occur to them severally, each member having stated his own opinions in a separate Minute.

We have forwarded these communications to the Court of Directors, with intimation that any remarks which the Governor-General in Council may deem it proper to make will be submitted in a separate despatch.

I now, therefore, proceed to offer such as occur to me on the important subject discussed in those documents.

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

The members of the Finance Committee unite in opinion as to the exigency of a Supreme Government for India, divested of the details of the local administration of any separate Presidency.

In that opinion I entirely concur. Every one who has attended to the subject must, I conceive, admit that the Supreme Government, as at present constituted, is too much occupied with the details of its own Presidency to exercise any very effective control over the other Governments. If, therefore, it is intended by the home authorities that the Supreme Government should be efficient as a government of control over subordinate Presidencies, it seems indispensable that it should be relieved from the laborious occupation of local administration.

The Finance Committee further recommend, that the armies of the three Presidencies be united into one, or at least be placed under the immediate orders of the Supreme Government, and under one Commander-in-chief. In that recommendation also I concur. There may be difficulty in amalgamating the native troops of the several parts of India together, and it may be expedient to retain with each description the officers to whom they are most accustomed. It may therefore, perhaps, be desirable to adhere generally to the same local distribution that at present prevails. But there does not appear to be any difficulty in considering all as belonging to one army, or in placing the whole under the Supreme Government and one Commander-in-chief.

Mr. Hill's observations on the tendency of the present separation of the three armies to cause an unnecessary increase of force, solely with a view to equalize the promotion of the officers, appear to me to be perfectly just; and the same will, no doubt, have occurred to every one who has marked the progress of the increase of our army. This undeniable tendency seems to furnish strong ground for an union, as far as may be practicable without serious inconvenience.

There is a similar suggestion for the union of the civil establishments of the three Presidencies, to which, as an arrangement to be gradually effected by the future nomination of all civil servants to the establishment of India, I do not see any objection.

It is proposed that there shall be three or four Governments subordinate to the Supreme Government. Four would, undoubtedly, be more efficient than three. The territories under the present Bengal Presidency might then form two Governments, having a separate one for the Western Provinces. But as this would be the substitution of five Governments, including the Supreme one, in lieu

lieu of the present number, three, it may be doubted whether the expense of such an arrangement would not be intolerable.

In this respect the calculations of the Committee appear to me to be too sanguine. They say very justly that reduction ought to be a paramount object of any changes in the constitution of the Indian Governments. But it is hardly to be expected that the expenses of a Supreme Government and four subordinate Governments will be limited in the result to the amount which they anticipate.

For instance, they take credit for the reduction of the Body Guard in Bengal and at Madras as a part of their proposed arrangement, which is to furnish a saving to cover a portion of other expenditure. But if the Body Guard at each Presidency were reduced, other cavalry must be substituted, the expense of which would be chargeable to the same purpose. It is not, I presume, supposed that the Governor-General is to go about India without a single trooper to attend him. It is perhaps a matter of indifference whether the Body Guard, as a separate corps, be continued or abolished, except that the men belonging to it have strong claims on the Government for their services in Ava, which have already, with regard to many of their comrades, been ill requited. But its abolition would effect only a nominal saving, for its place must be supplied by other cavalry, and, if it is in excess to a proper establishment of that arm, the same reduction might as well be effected in any other corps, or in the cavalry generally. At Madras, I believe, the Body Guard is borne on the strength of all the cavalry regiments, and does not form a separate establishment. The same might be done in Bengal. The Body Guard does not seem a large body for the due state of the Governor-General, and its being a distinct corps has its convenience, since there is no cavalry regiment stationed within 600 miles of the Presidency. But whatever may eventually become of the Body Guard, its abolition would only produce a seeming saving, as its place must be supplied by other cavalry.

Mr. Hill argues that the Governor-General's residence, under the proposed arrangement for a Supreme Government, not being fixed, there might be a great abridgment of parade and ceremony; that he would cease to hold a sort of court, would fall into a moderate style of living, and have a much more limited establishment; that the Body Guard might accordingly be dispensed with; that it is unnecessary for the protection of the Governor's person, and adds nothing to his dignity; and that simplicity of manners excites the esteem of the natives.

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

I cannot perceive the grounds for these anticipations. The Supreme Government, although moveable, would not necessarily be always in motion. Its residence would naturally be at the capital of British India. There would be the same necessity there for parade, ceremony, or expense, that can be supposed to exist at present, and the necessity would be rather increased than diminished by the Governor-General's going to a distance from the Presidency. A Body Guard then, or some Guard, would be necessary for the protection of his person; and more than the Body Guard would be necessary in many places to prevent his retinue's appearing insignificant, compared with that of any tributary Prince attending his court.

I cannot conceive on what reasoning the supposition is founded, that the Governor-General, on ceasing to be the Governor of a subordinate Presidency, will be able to fall into the quiet unimposing condition of a private gentleman. Philosophy may say, that state adds nothing to dignity; but how far is this idea to be carried? Where is the precise limit at which appearances, up to that point deemed necessary, are to cease to be of any value. It is neither in Europe, nor in Asia, nor in any part of the known world, civilized or barbarous, that state is held to be unnecessary as an accompaniment of station. The natives of India, I have no doubt, like the natives of other parts of the world, esteem simplicity of character, and ridicule whatever is grossly the reverse; but in equipage, in retinue, in state and parade, they are fond of making the greatest display possible, and would not, I conceive, think the better of any one for being without the appendages due to his station.

I cannot, therefore, from this source, anticipate the means of really meeting the expenses of new Governments; but there is a suggestion by Mr. Bax which does appear to offer effective aid towards that purpose.

He proposes the abolition of all Boards, Revenue, Military, Medical, Marine, Customs, &c. &c. at all the Presidencies, and I entirely agree with him in the proposition. I have no doubt that the business now done by Boards might be more economically and as efficiently performed by single Comptrollers or Superintendents in each Department, where such may be necessary, or by transferring the business, where that is practicable, to the Secretaries to the Government, and making the latter more responsible in the management of their departments than they are at present. The division of the territories of the Bengal Presidency into two Governments would lessen the necessity which may now be supposed to exist for Boards, by facilitating the direct superintendence of the ruling authority.

It is of essential importance that, as suggested by Mr. Mackenzie, the subordinate Governments should be deprived of the power which they now possess of increasing their establishments and expenditure. There can be no doubt that the expenses of our Indian Empire have been greatly increased by the existence of this power in the hands of the subordinate Governments. The territory of Bombay could never have been suffered to become such a burthen as it now is on our general finances, had the command over the public purse rested solely with the Supreme Government; but with the power of spending vested in the Bombay Government, and the unresisted facility of providing for deficits by drawing on the surplus of Bengal, the temptation has been too strong, and the acquisition of extensive territories and large revenues has been rendered fruitless, as to our finances, by the counteraction of still greater increase of expenditure. Mr. Bax objects to a subordinate Presidency's being required to limit its disbursements by the amount of its income; but this is a very necessary rule towards due economy, for there is no sufficient check where there is an unlimited power of supplying deficiencies. He argues that if this be required, additional territory ought to be annexed to the subordinate Presidency, equivalent to the excess of its expenditure, and so the account to be balanced; which would be to regulate income by expenditure, impossible in the aggregate, unless the resources of a country can expand to meet any demand, and ruinous as a principle. If any subordinate Government be really compelled by the grand exigencies of the State to incur a fixed expenditure beyond its fixed income, it would be better that the general Government should relieve it from a portion of its expenditure, by taking a sufficient quantity of its establishments under its own orders and management, and thus equalise local income and expenditure, restricting the latter, as to the future, by the former, than that it should endeavour to provide for the unlimited expenditure of the subordinate Government by annexations of increased income, and thus foster and encourage expenditure, leaving it without the restraint of fixed limits. As a sample of the manner in which the method advocated would operate, the following case may be supposed: The expenditure of the Bombay Government exceeds its income. The Indian Navy, forming a part of its establishment, is professedly maintained more for the general purposes of the State than for the local exigencies of the Bombay Presidency. Let the Supreme Government relieve the Bombay Government from the charge of the Indian Navy, transfer the head-quarters of that establishment to Calcutta, and take it entirely under its own orders. The income of Bombay would so much the nearer cover its expenses. The expense of the Indian Navy would

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

come

No. LXX,
Correspondence
on the
Constitution of
the Indian
Governments.

come immediately under the cognizance of the Government responsible for the management of our Indian finances. The necessity for the continuance of that establishment, either wholly or in part, as well as the propriety of the outlay on it, would be more closely questioned and examined, and reduction more or less would probably follow. But as long as it remains a pet establishment at Bombay, with the surplus of Bengal to draw on, its expences are more likely to increase than diminish.

All the members of the Finance Committee seem to be of one opinion in proposing the division of the management of our political relations among the subordinate Governments. Those of Hydrabad and Nagpore, for instance, they would assign to Madras; those of Malwa and Western India to Bombay; those of Gwalior, Delhi, Lucknow, and Rajpootana, to the proposed Government in Upper Hindostan. In that opinion I cannot concur. It appears to me, that our political relations ought to be retained exclusively under the direction of the Supreme Government, on account of the paramount importance of those affairs, on which peace and war, and consequently the safety and stability of our Indian Empire, depend; and also on account of the expediency of having all our political relations managed and controlled by one presiding spirit, under one uniform system of policy. I see no advantage in interposing subordinate Governments between the Supreme Government and the Native States with whom we have political relations. With any pretensions to independence, the latter would have a right to claim direct communication with the head of our Government. There is nothing in our political relations with Hydrabad and Nagpore that requires their transfer to Madras. Even in a division among subordinate Presidencies, Nagpore would, with more convenience, be annexed to that of Bengal. There is nothing in our political relations in Malwa and Rajpootana that requires that they should be handed over to the Territorial Governments of Bombay and Upper Hindostan respectively; but there is much which renders it desirable that they should be placed under one directing authority. I should, therefore, recommend that all our political relations should be retained under the immediate management of the Supreme Government, excepting such as, from past habit, or some decided benefit, may more expediently be assigned to the intermediate direction of subordinate Governments. Mysore and Travancore, for instance, might be placed in connexion with Madras; they are so now, and being either insulated or cut off from the rest of India by the territories of that Presidency, there is an obvious propriety in that connexion. Sattara is in the same circumstances with regard to Bombay,
and

and may be said to be the offspring of that Presidency. The Guikwar State is also connected with Bombay by long habit, and there is no urgent necessity for severing the tie. Should there be a new Presidency in the Western Provinces, its territories would nearly surround those of Oude. Our relations with the Court of Lucknow in that case might unobjectionably be placed under that Government, for Oude has long ceased to have any part in the general politics of India : but Hyderabad, Nagpore, the Mahratta States of Sindia and Holkar, together with the other States of Malwa, and those of Rajpootana and Bundelcund, altogether forming the chain of our political relations in Central and Interior India, ought to be exclusively under the Supreme Government ; as well as our external relations with Lahore and the Sikh States, Cabul and North-western Asia, Nepaul, Ava, and all other countries beyond our external frontier, allowing, as convenience might require, between those States and the Local Governments on whose territories they may border, such intercommunication as might be useful for border purposes.

There are some remarks by Mr. Bax regarding the army, which I cannot pass without notice. One might suppose, from the manner in which he speaks of it, that we had uselessly an immense army, the greater part of which might be dispensed with, without affecting our safety in any degree. He seems to me to have put out of sight the nature of our situation in India. We are here by conquest, not by the affection of our subjects ; and that universality of tranquillity to which he appeals is an effect of that extent of force and that perfection of equipment to which he objects. That tranquillity did not exist when our force was smaller, and would not continue long if our army were much reduced. He speaks of our force as indicating that we are in a hostile country. And so we are, as we should soon find it to our cost, if we were ever supposed to be weak. The figure of an enemy's starting from the earth, which he mentions in ridicule, as if we had none otherwise, would to appearance be almost realized in the swarms of enemies which would show themselves, if they thought that they could assail our power with any hope of success. Mr. Bax's observations apply chiefly to Southern India, and might have been made with equal correctness a few months before the Burman war ; but on the breaking out of that war, all the available force of the Madras Presidency, European and Native, was required for foreign service. That war must have been still more injurious to our finances than it actually was, and might have terminated altogether in failure, with ruinous consequences to our Indian Empire, if that force had not

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

been in existence, which Mr. Bax seems to consider superfluous. He has noticed our artillery as particularly excessive. As we have in this part of the world to make amends by discipline and science for want of numbers, it would not be unnatural if we had an undue proportion of that description of force in which science is most concerned; but it is remarkable, that, compared with the enemies with whom we have had to contend in India, we have often been outnumbered in that arm. In almost every general action that has been fought within the last thirty years, our enemy has been superior in artillery. Take the battle of Delhi, or of Laswaree, or of Deig, or of Assye, or of Mehidpoor, the only doubt of success in each case was from the superiority and efficiency of the enemy's artillery. At our last great siege, that of Bhurtpoor, I had an opportunity of witnessing the insufficiency of the strength of our artillery for the service required of them. I cannot concur in Mr. Bax's sentiments, either in this particular or in his general view, but am persuaded that if such opinions were acted upon to any great extent, (and they are likely to be palatable at a time when reduction is so much our object), they would prove the prelude to our downfall. Mr. Bax, however, when he comes to point out the remedy for our supposed superfluity of force, is not sufficiently explicit. After remarks which would lead any one to imagine that the State might safely be relieved from an immense portion of its present army, he observes, that all that he aims at is that we should discontinue to send European officers and troops to India, and discontinue the recruiting of Native troops. He does not seem to be aware that the recruiting of Native troops has been discontinued for several years, until each regiment of Native infantry in Bengal has been or is nearly reduced from 1,000 to 640 firelocks, and every regiment of Native cavalry from four squadrons to three. I do not know what progress has been made in this reduction in the Madras and Bombay establishments, but the orders to all the Presidencies were the same. Further reduction in the strength of regiments is impossible, consistently with their efficiency. The only remaining measure, if Mr. Bax's notions were correct, would be a reduction of the number of Native regiments, an experiment which I trust it will not be necessary to try.

As to European troops, the regiments actually in India must be maintained complete to their establishment, otherwise they would soon dwindle away into an inefficient state of weakness. But the extent of our European force is a question so distinct from that of the extent of our Native force, that I wonder to see the two put indifferently together, as if they were the same. Our Euro-
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pean force is real strength under any circumstances ; and any one anxious for the security of our Indian Empire would wish that force increased, if increase were compatible with the state of our finances. Our Native force is strength under some circumstances, but under others might be weakness, and in that case the greater the extent of the force the greater would our weakness be. With respect to European officers, if Mr. Bax alludes to officers belonging to His Majesty's regiments, the fixed establishment must be kept up : if he means to object to the sending out of more cadets than are required to complete the Honourable Company's army, his remark is obviously correct, and the Court of Directors will no doubt have come to the same conclusion. I have commented at so much length on Mr. Bax's remarks on the subject of our army, because I cannot conceive any danger to our Indian Empire so great as the notion, if it were entertained and acted on, that our army is superfluous, and that we hold India by any other tenure than the strength of our military force. What the amount of our force ought precisely to be, I do not believe any one competent to determine. Who can say that our army ought to contain exactly such a number of troops, and that more would be superfluous, and less dangerous ?

My own opinion is, as I have elsewhere before stated, without adverting to a state of war, in which of course our force must be suited to the exigencies of the occasion, that we ought during peace to maintain the largest army that we can afford to pay ; and, with reference to the same consideration, that it ought as much as possible to consist of European troops.

There are points on which the Members of the Finance Committee have severally-offered plans, partly differing and partly agreeing. To examine each particular, and comment on the differences between them, would make these remarks, already I fear tedious, still more so. In stating my own sentiments on the same points, I shall indicate generally with what opinions they agree, and from what they differ.

Provided then that the arrangement could be effected at the same expense as the present, or rather without any increase, which I regard as an indispensable condition, I should advocate the following Establishment for the government of India :

- A Governor-General for all India ;
- A Supreme Executive Council for all India ;
- A Legislative Council for all India ;
- A Commander-in-Chief for all the Armies of India ;

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

No. LXX
Correspondence
on the
Constitution of
the Indian
Governments.

Four Subordinate Governments ;
A Lieutenant-Governor for each, or four Lieutenant-Governors ;
A Lieutenant-General for each, or four Lieutenant-Generals ;
A Council or Board at each subordinate Presidency.

The capital of British India and the seat of the Supreme Government to be in Calcutta, until experience shall prove any other place to be fitter, and until the transfer can be made without heavy expense.

The seats of the subordinate Governments to be Madras, Bombay, Calcutta, and some place to be selected in the Western Provinces of the present Bengal Presidency.

The Supreme Government not to be fixed at the capital, but to be moveable to any part of the empire under its control.

The Legislative Council to be fixed at the capital.

The subordinate Governments to be entirely subordinate to the Supreme Government, and to have no power in finance, expenditure, or establishments, without the express sanction of the Supreme Government.

The Supreme Government to manage directly all political relations, without the intervention of the subordinate Governments, excepting only such as may be peculiarly local.

Patronage to be extensively possessed by the Governor-General throughout the subordinate Governments. This is necessary for the respect due to his office, which otherwise would hardly be felt. Influence over the public establishments would wait chiefly on patronage ; it is therefore essential for the public interests that it should be vested in the head of the Government.

In judicial establishments, I should desire to see an amalgamation of all Courts, so that there should be no collision of jurisdiction, and no misunderstanding of powers ; and that no Judge should hereafter shake the allegiance of the people of India to the Government, by announcing from the bench that he is the only representative of the King, and that the Government cannot communicate with him except by humble petition.

A Supreme Court of Appeal for all India seems advisable : the appeal to the King in Council to be abolished, with a reservation of the right to the Government in cases affecting the public revenue.

I do not think it necessary to enter into further details respecting plans to which I have not the presumption to suppose that any attention will be paid.

I ought perhaps to apologize for having expressed my sentiments on such subjects, but the opinions of the Finance Committee having been invited on

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the same, I have thought it not inconsistent with the duty of a Member of the Government to record mine also.

I purpose to do this in the Secret Department, both because some of the sentiments contained in this Minute require it, and because it is the only department where that degree of secrecy can be expected which ought to attend the deliberations of Government on most subjects. I have observed with great regret the unnecessary publicity too frequently given to matters which, while under the deliberation of Government, ought, at least during that period, to be held secret. The opinions of the Finance Committee, on the important subjects noticed in this Minute, were hardly submitted to Government, when they found their way into all the newspapers, and were announced as if the schemes which they contained had been seriously contemplated by the authorities at home.

Fort William, 18th Oct. 1830.

(Signed) C. T. METCALFE.

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

3.—COPY of a MINUTE by Mr. BAYLEY.

IT had not been originally my intention to have placed on record any detailed explanation of my sentiments in regard to the several suggestions submitted in the communication from the Finance Committee, which was forwarded to the Court of Directors with our Secretary's dispatch of the 17th September last. Considering many of the alterations recommended in that communication to be highly desirable, and seeing reason at the same time to doubt the propriety or feasibility of others, it did not appear to me that much practical good could result from our commenting upon schemes which, in their leading provisions at least, have not now to be stated for the first time, while the ultimate decision as to their adoption can be but little influenced by our individual views of their exigency or comparative advantages. As, however, the subject of the address from the Committee relates peculiarly to points on which the opinions, or more correctly perhaps, the testimony of a Member of the General Government of India may be held to be of some value; and Sir Charles Metcalfe has, with that impression, recorded the observations contained in his Minute of the 18th ultimo, I might possibly be thought wanting to my duty if I remained altogether silent. I proceed accordingly to afford such aid as is in my power in the discussion of this question. I should have done so a few days earlier had I been able to find sufficient leisure from the pressure of current business; and the same want of leisure, combined with

with the proximity of the period at which my connexion with the Government will cease, precludes me now from dwelling at so much length on some parts of the subject as, having undertaken it at all, I should have wished to do.

Before advertng in detail to the various propositions of the Finance Committee, it is necessary that I should notice the principle on which they are framed, and the observance of which seems to be considered, as well by the Committee itself as by Sir Charles Metcalfe, to be indispensable. That principle is, that no changes should be introduced into the constitution of the Indian Governments which may involve any immediate augmentation of expense.

In the necessity of adhering to such a condition of change, I for one do not concur. Fully recognizing the propriety of avoiding every increase of expenditure which may be recommended on a prospect of only remote and uncertain benefit, or for purposes of questionable utility, I am as strongly of opinion that it would be a losing, as well as otherwise a bad policy, to abstain from adopting improvements which may be urgently called for, merely because it may be impossible to carry them into effect without such an increase. There may perhaps be extreme circumstances of embarrassment when even efficiency of administration must be sacrificed to an immediate pecuniary saving. But such I by no means consider to be the present condition of our Indian Finances, depressed as they undoubtedly are. In the present instance, the object of the alterations suggested is to secure a superior efficacy of control over the general Government of the whole of India, as well as a more vigilant and a better-informed system of management for its several parts, and to combine with these advantages the establishment of a scheme of economical check and direction throughout all departments. If the means proposed be calculated to answer their end, the profits, in a pecuniary point of view alone, will repay in a tenfold degree any amount of additional expense which it is at all probable can be required for the first outlay; and it would be no economy, therefore, to forego the reasonable expectation of those profits from a reluctance to part with the comparatively small portion of funds, the disbursement of which may be necessary to their acquisition.

I have made these remarks in the outset, because I believe that the calculation made by the Members of the Finance Committee, in the Schedules appended to their several Minutes, will, upon close investigation, be found, as Sir Charles Metcalfe has already observed, to be too sanguine: and because I do not agree with him in regarding Mr. Bax's proposition for the abolition of the Boards at all

all the Presidencies as one which ought to be adopted generally, or to such an extent as could enable us to hope for the introduction of the suggested changes without an immediate increase of expenditure. If I considered that that increase ought on no account to be allowed, it would be of course useless to dwell further on the subject. Entertaining opposite sentiments, I go on to examine the various schemes suggested, remaining at the same time anxious that no addition to the existing amount of expense should be sanctioned except for a benefit, the chance of securing which are distinctly seen, and that the arrangements which may be considered expedient should be framed with a duly careful attention to economy.

I have, then, in the first instance, to express my entire assent to the opinion of the Committee, that the Supreme Government of India should no longer remain charged with the local administration of any one of its Presidencies. Its different and inconsistent duties have doubtless, as they represent, interfered with one another in a manner injurious to the public interests. Every Member of this Government will admit, because he must daily feel, that the mass of business, detailed and general, which it has in some manner or other to dispose of, is so great as to render our deliberations on most subjects, of whatever importance, necessarily hurried and imperfect. The exercise of control over the affairs of the other Presidencies has been in many cases abstained from, merely from the conviction that under the existing system it could not be maintained with any permanent efficacy. The only question, it appears to me, which can be agitated in regard to this part of the scheme, is whether it be necessary only to frame an arrangement for relieving the Supreme Government from some of its more detailed duties, and the immediate charge of a portion of the territories at present under its management, not at the same time rendering it obligatory upon it to interfere in the ordinary administration of the affairs of the other Presidencies, except under circumstances of peculiar exigency; or whether it be desirable to constitute it as a separate Government, the primary duty of which should be, to interfere actively and extensively in regulating the conduct of all branches of administration throughout all parts of India. The former arrangement is that which might be adopted at the least immediate expense; but the latter has my decided preference.

It is needless, on the subject of economy, to say more than that I agree generally with Mr. Mackenzie and Sir Charles Metcalfe in regarding it as essential, that, under any circumstances, the subordinate Governments should be subjected to strict restraints in all matters of expenditure, if we desire to introduce

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

introduce any efficient or lasting reform into the state of the Indian finances. But it will apparently be difficult to maintain any thoroughly useful or well-informed control over expenditure, interposing only an occasional and partial direction in matters of general management. And, on other considerations, the same conclusion as to the expediency of creating a distinct Supreme Government seems equally to be that which is most consistent with good general policy. The benefits of an active control over the ordinary proceedings of the subordinate Governors may not be without their attendant drawbacks and inconveniences ; but these are principally of a temporary character, and cannot, in my judgment, be placed in competition with the advantages to be derived to the permanent interests of the Empire from the establishment of one great superintending authority, which, representing the Home Government, really and effectively, over the whole of India, will preserve a careful attention to its injunctions in every department ; which will have its especial object to secure the observance of just and enlightened principles of procedure in all cases of importance, whatever their class or description ; and which, either composed of or assisted by able public servants, trained in any of the Presidencies indiscriminately, may be expected to act upon sound and enlarged views, to promote emulation, to remove jealousies, and to infuse a wholesome spirit of unity and vigour through the entire frame of our internal administration. It must be almost superfluous to remark, that a general and operative control over the affairs of subordinate Presidencies, such as is contemplated in the above observations, could not be vested in a Supreme Government burthened with any immediate and considerable local charge.

I would have, therefore, one superintending authority for India, using its powers of control, not optionally, but of necessity, and as its indispensable and most important duty, throughout the whole range of civil government. The adequate performance of such a duty requires that the Government should be moveable ; and to ensure adequacy it should, in my opinion, be an understood or a positive rule of its constitution, that, under ordinary circumstances, it should make yearly periodical visits to one or other of the portions of its general dominion. The full benefit of its interposition and direction will not be obtained, unless its supreme head, the Governor-General, be encouraged to continue longer in the discharge of the high functions than is at present usually the case ; unless the policy of affording him that encouragement, (without, however, making it a distinct condition of the original appointment,) be steadily laid down and acted upon.

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The relations between the Supreme and Subordinate Governments should be defined, in establishing them, with as much precision as it may be possible to frame such a definition before the parts of the new system had begun practically to work. Reserving to the Government General its right of optional interference in all matters, I think the points on which it would be incumbent upon it to interfere, and regarding which the subordinate Governments could not act without its previous sanction, should be determined by instructions from the home authorities with as much clearness as possible, and any subsequent permanent modification of those instructions should also proceed from home. Agreeing with Mr. Mackenzie in the expediency of reducing the position and powers at present held by the subordinate Governments, and depriving them of any authority in legislation, or in issuing instructions and framing arrangements of general interest and application, or involving important principles, as well as of any discretion in increasing establishments and expenditure beyond certain prescribed limits, without the express sanction of the general Government, I am of opinion that it would conduce to the efficiency of the whole scheme, and to the respectability which, although in a comparative degree, it is so desirable to maintain in the subordinate Executives, that the suggestion above stated should be adopted. Any modification which the general Government might consider it proper to introduce in the home instructions, the inferior Governments should, of course, implicitly obey, till final orders should be received from home in regard to it.

What I have said in the preceding paragraphs will sufficiently indicate my sentiments with respect to the character of the interference which it should be obligatory on the Supreme Government to exercise in matters of internal civil administration. To Sir Charles Metcalfe's remarks on the propriety of vesting it with the immediate management of the more important of our political relations, I may refer for what are also my opinions on that head. Its powers in the control of military administration I shall notice separately. On the difficult question of patronage, the principle of adjustment should be, to give such a portion to the Governor-General as should extend his influence over all the public officers of every Presidency, and at the same time to leave in the hands of the Governors of Presidencies that degree of power which, remotely removed as the seat of the Supreme Government may often be from their vicinity, it is requisite they should possess to secure obedience and respect from those employed under their orders. From the loss and inconvenience which might result from a long delay in permanently filling up vacancies to the

executive offices, such as those of judges, magistrates, and collectors, the nomination to these should rest with the local Government, except when the Governor-General might happen to be at the Presidency where the vacancy had occurred. In the latter case I think that he should have a controlling voice in the selection even of such appointments, since, were they entirely taken from him, the amount of his patronage would be left practically very small.

Regarding the form of the governments, I concur with Mr. Mackenzie in assigning to the Supreme Government an independent Council, and an efficient Secretariat, selected, of course, from the general service of India. So high an authority will require all the talent that can be assembled in its support. The proposition of the same gentleman also for dispensing with separate councillors at the Subordinate Presidencies, recommended by economy, would not, in my opinion, occasion any sacrifice of necessary efficiency. I would not, however, leave it at the option of the local Governor to reserve only such matters as might seem to him proper for deliberation among the body of Secretaries. I consider, on the contrary, that he and the Secretary in each department should be jointly responsible for bringing every transaction of importance, and not provided for by fixed rules, before that body acting as a Council Board, and having its proceedings regulated as those of our several similar Boards now are. The Governor-General should retain the same powers of independent action which the Legislature at present vests in him; and I would continue them also to the subordinate Governors, who might be authorized, either with or without the concurrence of their Boards of Secretaries, to carry into effect a measure, which, under ordinary circumstances, would require a reference to the Governor-General, without that reference, (though subject always to subsequent reversal or modification,) if in any case they should consider that delay would immediately endanger the interests of the State.

As to the number and extent of the Governments, there must be three for the existing divisions of the country, none of which could be entirely abolished; though, as regards Madras and Bombay, a transfer of territory might apparently be made with advantage from the former to the latter; and, under any arrangements in respect to the Supreme Government, it is my decided opinion that we are bound to make some further provision than has hitherto been allowed for the establishment of a proper local administration in Upper Hindostan. The deficiency of the control as yet exercised in those distant provinces, and the mistakes and mismanagement which have marked our government of them,

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are points on which, I regret to say, that I entertain no doubt whatever. I regard it, therefore, as an indispensable duty, that the cause to which these evils may be directly traced should no longer be permitted to exist. What appears to me requisite is, that there should be an authority residing on the spot, charged with the duties of civil government, in the same manner and with the same powers as the proposed Governments of the Subordinate Presidencies; that the means of ultimate redress in all revenue and judicial matters should be afforded to the people, with the effect which can only be secured by the location of the highest courts, whether of revenue or justice, within the Provinces themselves; and that the acts and measures of the local administration should be subject to no control or interference on the part of the Local Government of Bengal. These objects cannot well be attained without conferring upon Upper Hindostan the rank and character of a separate Presidency; and I would therefore recommend that such be given to it; the scale of its several offices being at the same time constituted with a strict attention to economy. Mr. Hill's observations on the tendency of such an arrangement to entail great expense are, I admit, of weight; but as I am of opinion that the cost of the Government of the Subordinate Presidencies should be reduced considerably below that which is now incurred for them, and as, in calculating the charges of any change, I would provide for all those which may be reasonably expected to arise out of it, the force of the objections urged by him seems to be nearly removed; and as the arrangement would lead to an improved system of management in the Provinces in question, a corresponding improvement of their revenue and resources would, as Mr. Mackenzie argues, naturally follow, and the scheme would consequently, in some degree, pay itself.

I proceed to consider the subject of expense. I have already expressed my belief, that, in respect to it, the calculations of the Finance Committee are too sanguine. We cannot certainly look for any diminution of the personal expenses of the Governor-General; and with regard to the aid which Mr. Bax and Sir C. Metcalfe think may properly be obtained by the general abolition of Boards, that measure, as I have before said, is one to which, in so sweeping a shape, I am greatly opposed. Some Boards might, I conceive, be discontinued without public detriment, and their duties entrusted to single officers. The Marine Board at Calcutta and Madras, and the Medical Boards at all the Presidencies, are of that class; though, in reducing the latter,

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

I should regret the injury it would occasion to a service which has but few prizes to reward the valuable exertions of its members. I cannot, however, perceive the expediency of abolishing either the Revenue or Military Boards. The functions of these Boards are those principally of check, direction, and deliberation; and if their constitution is arranged upon a proper footing, and the officers serving in them are chosen for their experience and fitness, they afford an essential aid to the Government, such as is not to be expected ordinarily either from single Superintendents or single Secretaries.

It is argued that, by distributing the present territory of Bengal between two Presidencies, the Governments established at them will be enabled to undertake, without serious difficulty, much of the duty which the Boards have now to execute. If, however, these Governments be composed, as I think it desirable they should be, of a Governor, with a Council only of Secretaries, their various duties would in that case overwhelm them; while, if both a Council and Secretaries were allowed to them, little advantage would be gained on the score of expense; and mixed as the composition of a Council must necessarily be, their management would probably be very defective, compared with that of a Governor assisted by the co-operation of bodies of intelligent men, trained severally in the departments in which I would advocate the retention of Boards.

The sources to which I conceive that, without sacrificing efficiency, we may fairly look for the means of meeting additional expenditure, are a reduction in the rank and scale of the existing Subordinate Governments, the discontinuance of the separate bodies of councillors now forming a part of those governments, the limitation of the amount to be disbursed by their respective heads on account of travelling and contingent charges; reductions in the expenses of the Secretariat establishments for the intended, as compared with those of the existing Supreme Government; the abolition of Medical Boards, after deducting the charge which will be incurred in appointing single comptrollers; the consolidation of the head Revenue and Salt Boards for the Presidency of Bengal Proper, by which the sum at present disbursed for one of these Boards would be available towards constituting the Revenue Board in Upper Hindostan; the transfer, with a similar object, of Judges from the Sudder Dewanny Adawlut at Calcutta, and generally the transfer of such parts of the Presidency establishments as may be entertained for the duties of the Hindostan Provinces; the saving of a considerable portion of the expense of the Delhi Residency and

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Chief Commissionership, and the abolition of the Bareilly Provincial Court, which, with a Sudder Adawlut in the Upper Provinces, would, in my view, be unnecessary.

After attentively examining the estimates and calculations of the several Members of the Finance Committee, and making what appears to me a liberal and proper allowance for the different charges for which I conceive that they have not adequately provided, I am of opinion that a Supreme Government and four subordinate ones, constituted as I have supposed, with one Commander-in-Chief for all India, receiving the same salary as is now assigned to him, and Commanders of the Forces at the Subordinate Presidencies, with their personal Staffs, might all be obtained at an expense not exceeding seven or eight lacs of rupees above that at present incurred in maintaining the Indian Governments. In the above mentioned sum also are included estimates for the civil and military offices, which, in creating a new Presidency for the North-west, it may be necessary to attach to it. I should mention, however, that I have not considered it requisite to admit the probability of there being any augmentation of the actual charges of the King's Courts in India, though a new Presidency should be formed, and there be consequently an increased resort of European residents to the seat of its Government. Without entering further into the important questions connected with the cost and value of these courts, we may safely, I think, assume, that if a similar one be required in Hindostan, the funds already appropriated to the establishment generally are sufficiently ample to meet the exigency.

I have, as above said, allowed for the nomination of a Commander-in-Chief for the general army in India, and of four Subordinate Commanders of the Forces at the four Presidencies. I do not know that such an arrangement will be absolutely necessary to secure the main object proposed in regard to the army, which is, that its regulation and distribution, whether its existing divisions be or be not maintained, be committed to the sole charge of the general Supreme Government. If it be essential to the attainment of that object, I would have it carried into effect. It would be of course proper that, as the army would be under one Supreme Government, so it should have only one Commander-in-Chief, who might possibly at the same time still retain his immediate local charge in Bengal. A certain amount of increased duty would, however, under such an arrangement, devolve upon that officer, and accordingly as that is determined, it will be necessary to afford him relief in the discharge of the functions which he has now to execute. Having allowed for reliefs on the

No. LXX,

Correspondence
on the
Constitution of
the Indian
Governments.

the most expensive scale, I have erred at least on the safe side. On the expediency of reserving the regulation and distribution of all the services to the Supreme Government, there cannot, I imagine, be a difference of opinion.

When I consider the important advantages of consistency, efficiency, and, what appears to me to be certain, the great ultimate economy of management, which the plan I would advocate for a change in the members and powers of our Indian Governments, or a similar one founded on like principles, would secure, I readily avow that I should consider them to be cheaply purchased by an immediate outlay, to the extent which, as above stated, we may, in my opinion, expect to find requisite.

If, however, from a reluctance to authorize that outlay, or other objections which have not immediately occurred to me, the home authorities should deem it unadvisable to adopt such a plan in all its parts and provisions, I hope that they will not hesitate to acquiesce in some arrangement for relieving the Supreme Government of a portion of its present heavy mass of duties, and for establishing a local civil administration, acting, of course, in dependence upon the Supreme Government, for Upper Hindostan. These are measures urgently called for, and which can be effected with inconsiderable increase of expense, after allowing for consequent and concomitant reductions in existing establishments. By combining with them a limitation of the powers of the Madras and Bombay Governments in regard to finance and expenditure, and the institution of equitable rules for preserving an uniform scale of augmentation and promotion among the several armies, much directly practical benefit will undoubtedly be derived, though still, I must add, falling far short of that which I anticipate as the result of more extended alterations.

It is not very essential to notice, yet I cannot altogether omit adverting to a proposition of Mr. Mackenzie's, for vesting the Local Governments under the direction of the Supreme Government, with a power of interfering with the decisions of the Sudder Courts of Justice. Under no circumstances can I consider that such a project should be entertained. It violates a principle, the observance of which is quite as requisite in this as in any other country. Admitting that there is considerable room for uncertainty and misapprehension in the administration of justice in our tribunals, the remedy should not be sought by the interference of Government with individual decisions, but in the enactment, when necessary, of declaratory or new laws, or the preparation of a more clear and explicit code, for the guidance of the judicial officers.

There remains further to remark on the suggestion for uniting the Civil Service

Service of India into one general establishment. As far as this arrangement may be practicable without public inconvenience, it would, I conceive, be desirable to adopt it. The original distribution of its younger members among the different Presidencies should be left to the home authorities, and, ordinarily, the necessity of acquiring dissimilar languages, and the expediency of retaining under such government the officers trained in its own provinces, would lead to the continuance of civilians in the quarter to which they might be first attached. But I should be glad to see every bar removed which would preclude the Governor-General from nominating able men from any Presidency to situations where their services might be urgently required, and there would, as the Committee have stated, be an obvious benefit in affording him the means of meeting the wants of the public service by transfers from one Presidency to another, so as not to cause an unnecessary augmentation of the number of officers.

I do not propose to state my sentiments in detail on the various other points adverted to in the Committee's Report. Where I have not, in the foregoing observations, expressed opinions in favour of arrangements differing from those enumerated at the conclusion of Sir Charles Metcalfe's Minute, I desire to be considered as concurring in what he there proposes. In the comments which he has made, with the view to combat the notion, that we might safely dispense with a considerable portion of our military force, I only agree partially. Looking to the vast extent and populousness of the territories we have to govern, and to the anomalous nature of our position, I should earnestly deprecate any great diminution of that force beyond its present reduced standard. I by no means, however, entertain the persuasion, that there exists among our own subjects any active spirit of hostility towards our government. On the contrary, I am satisfied that, at least in our more settled provinces on this side of India, the most respectable, wealthy, and influential classes are, to a certain extent, attached to us, and would be undesirous of any change of masters. In countries which have been more recently acquired, and where the habits of the population are more turbulent, there may, doubtless, be greater danger of discontent. Yet even there, I cannot believe that discontent amounts to enmity and aversion. In any country a weak government will not command respect. Men trained in license and disorder must be unfriendly to a system which compels tranquillity and subordination to the restraint of laws. Nor, I fully admit, are many just and serious causes of dissatisfaction wanting to the natives of India in the maxims of rule which the necessity of our situation imposes upon

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

No. LXX.
Correspondence
on the
Constitution of
the Indian
Governments.

us. But in return for the deprivations to which we require them to submit, we confer many substantial advantages to which they cannot be insensible. The more steadily that we labour to improve our internal administration, and suit it to the varying wants and circumstances of the people of our different provinces, the more will the full enjoyment of these advantages be secured. I believe that their effect must be to render our subjects in all parts of our empire, if not our zealous supporters, certainly not our bitter enemies, passive only because subdued, and withheld by no motive but the terror of our power from rising in a general movement to subvert our dominion.

9th November 1830.

(Signed) W. B. BAYLEY.

4.—EXTRACT of a Letter from the SECRETARY to the Governor-General of India to PETER AUBER, Esq., Secretary to the Secret Committee of the Court of Directors; dated Simlah, 14th September 1831.

I AM directed by the Right Honourable the Governor-General to transmit the enclosed copy of a Minute by his Lordship on the Report and Minutes of the Civil Finance Committee regarding the constitution of the Indian Governments.

5.—COPY of a MINUTE by the GOVERNOR-GENERAL.

Simlah, 14th Sept. 1831.

I SHALL now offer my opinion upon the Report of the Civil Finance Committee regarding the Constitution of the Indian Governments.

The members of the Committee, as well as my two colleagues, Mr. Bayley and Sir C. Metcalfe, concur in opinion that the local details pressing upon the time of the Supreme Government utterly preclude the performance of the higher and more important functions of its office. To this opinion I entirely assent.

The same concurrence of opinion exists as to the necessity of the Supreme Government being divested of all local charge, and that its duties should be confined to a general control of the Subordinate Presidencies, and that a distinct and fourth Government should be formed for the Upper Provinces.

Of the total inadequacy of a Government stationed at Calcutta, to control and superintend the administration in the Western Provinces, I have frequently

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had occasion to remark, and actual investigation has amply confirmed the justness of the opinion.

Upon the degree of control which it would be most salutary for the Supreme Government to exercise over the other Presidencies, there appears to be no great difference of opinion. Hitherto this control has been rather nominal than real. It has been confined to general measures of government, to political negotiations, to the making of treaties, to the declaration of war, to great financial arrangements, and latterly, to the confirmation of all Regulations.

In the details of the administration of the Subordinate Presidencies the Supreme Government have no interference. The only knowledge they have of their proceedings is from the copies of their dispatches to the Court, and by the published orders of the Government and of the Commander-in-chief. The Supreme Government have, indeed, the power of issuing orders, if they observe in these communications anything deserving of strong disapprobation. But it would be highly inexpedient to use the power except in extreme cases, because the act being done, a public revocation of it places the Subordinate Government in some degree of embarrassment and humiliation; and the measure being under reference to the Court, the Supreme Government may be found in the same objectionable position with respect to its own superiors; and from the public proclamation of conflicting orders and sentiments much inconvenience must unavoidably arise.

The Subordinate Governments naturally enough stickle for their own independence. They objected strongly to their Regulations being made subject to the sanction of the Supreme Government, though it would seem difficult to understand how legislation, except upon occasions of public danger, or some great pressing emergency, can be otherwise than benefited by additional discussion and deliberation, by more enlarged experience, and by a comparison with the success of remedies applied to the same evils; and so the Honourable Court in their wisdom have ruled. But in all other proceedings of the administration, what disadvantage could arise from a prompt and immediate check upon any departure from uniformity of system, upon a non-compliance with the orders of the home authorities, an evasion of which is so encouraged and facilitated by the endless delays of repeated references to so distant an authority, and above all, upon lavish expenditure? In the Military Department instances daily occur of indulgences granted in one army, to which the officers and soldiers of the others, whether European or Native, may have an equal right.

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

At this very moment, the copy of a despatch to the Honourable Court, from the Government of Bombay, announces the grant of a particular gratuity to a regiment in consequence of its being ordered from a particular cantonment before the ordinary relief. But much stronger claims for compensation have lately occurred in Bengal, in the total abandonment of a cantonment, and consequently of the total loss of property to the officers happening to occupy it; but the Court's orders positively prohibit the grant of any satisfaction, and have been rigidly enforced. Had this, as a new case, and as an outlay of money, been referred to the Supreme Government before being executed, we should have answered, "all must have it or none; let it be submitted as a general regulation for the Court's orders." As it is, we can now only point out the irregularity, and request that it may not be repeated. It is not only the immediate suspension of irregularities, or of unnecessary expenses, that would be thus effected, but to the supreme authority at home, that has ultimately to pass its decision, the advantage of this local discussion in eliciting truth, and in placing every question upon its real merits, would be most useful. Let me take as examples the expenses of the two Presidencies of Bombay and the incorporated settlements to the eastward. Could the excessive extravagance of the former have been passed upon the Court, if it had been open to the scrutiny and objections of a local authority? Could the useless establishments of the latter, and the plurality of almost sinecure offices, accumulated upon individuals, have successfully withstood the proof that a more active local control would have required of their necessity? I will mention another case of recent occurrence, that was productive of great scandal to the British Administration, and of most serious inconvenience to the interests of the individuals and of the public; I allude to the long and indecorous differences between the Government and Supreme Court at Bombay. If the advice of the Supreme Government, with that of the Judges of the Supreme Court at Calcutta, could have been interposed in the first instance, I feel a perfect confidence that the evil would have been stayed at any rate, if not totally prevented. It is humbly suggested, whether, if it be resolved still to preserve the present inconvenient scheme of King's Courts administering English law, in which the intentions of the Legislature are so vague and ill defined, where so much is left to and embraced in the large term of construction, and where the exercise of specified power is declared to be, in many instances, discretionary, it might not be expedient, in the event of collision, to allow an appeal from the Subordinate Presidency, through the Governor-General in Council, to the Supreme Court at Calcutta.

It might be assumed from the preceding remarks that I am in favour of a Supreme Government, as recommended by the Committee and my colleagues, whose duties should be exclusively those of general control and superintendence. But my concurrence only goes to the expediency of a more effective control in the Supreme Government over the other Presidencies, and I consider this to be practicable, without the great change proposed of forming Bengal into two Presidencies, to which there are great local and practical objections, and without incurring the great expense that this larger scheme would entail; although I entirely adopt the sentiments of Mr. Bayley, that for so great an object as a much improved government of this immense empire, the additional charge, even at the highest scale, is not worth a moment's consideration.

My first objection is to the separation of the Presidency of Bengal into two separate governments. It is true that there is a broad line distinguishing the Upper from the Lower Provinces; they are different in climate, in character, and in their political circumstances. They each ought to have within their reach those authorities, revenue and judicial, upon whom their rights and interests so materially depend. But in other respects there is a great mutual connexion between their general interests; one river pervades the whole territory from west to east; one port receives all its produce; Calcutta is the great exchange upon which the commercial and pecuniary transactions of the whole are carried on. For these, and for many other reasons, it would be very inconvenient to divide the control.

A separation into two Presidencies supposes also a complete system of separate establishments. Such an arrangement would be inconvenient, quite unnecessary, and very expensive. Some of the departments ought to have their head-quarters at Calcutta, and others *vice versa*. The Accountant-Generals must remain in Calcutta; so must the Boards of Trade, Marine, and Salt and Opium. The Upper Provinces ought to be the principal station of the Revenue and Military Boards, and of all the Military Departments, where are placed the greater part of the army, our principal magazines, the studs, our chief public works, bounded by the frontier, with all the offensive and defensive arrangements connected with it. But a branch of all these departments, whether above or below, must be stationed where the principal office is not in direct correspondence and dependence upon it. The establishment of civil covenanted servants also could not be divided into two distinct bodies for the service of the Upper and Lower Provinces without great injury to the public interests, and

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

without much individual inconvenience. The appointments in the Upper Provinces, in consequence of the unfinished state of the revenue settlements, and of the difficulty of the process, require to be filled by very competent officers, which a selection from the whole service cannot easily supply. In Bengal, where the demand of Government is fixed in perpetuity, the office of Collector is comparatively easy. Again, with respect to the individuals themselves, there are many to whom the climate of Western India is fatal, while in the milder, but damper climate of Bengal, health is preserved, and good service can be done to the State. An interchange seems indispensable; and this could with difficulty be arranged if the service was divided and allotted between two separate Presidencies. The same observations apply still more strongly to the Military force.

With respect then to the Bengal Presidency, all the territories at present constituting it should, in my opinion, be subject, as now, to a Governor-General in Council; but the seat of Government should be placed in the Upper Provinces, the scene of all its most important transactions, Revenue, Military, and Political. No spot presents so many advantages for direct control, and for ready intercourse with the most distant Provinces, and for the despatch of all business, as Allahabad. I annex to this Minute a Map showing its contiguity to our most important affairs. It is immediately adjacent to Oude, to the Saugur and Nerbudda territories, to Bundelcund; it has under its eye the revenue settlements of the Upper Provinces, of such vast importance to the Government and to the people, and which could no longer so shamefully stagnate. Gwalior, Malwa, and Rajpootana are all brought within easy means of immediate superintendence, and of personal communication if necessary. A steamer from Allahabad would reach Agra or Delhi on the Jumna, and any place equally distant on the Ganges, in four or five days. At Allahabad, also, the Government may have the advantage of the advice of the Commander-in-Chief in Council, as contemplated by the Legislature, whose head-quarters for the future always ought to be, and I may venture to predict always will be, in the Upper Provinces. I shall beg Lord Dalhousie's opinion upon the proper position for the Commander-in-Chief, with reference to the well-being of the department confided to his charge, as also upon all the other points embraced by the Finance Committee's Report.

But to relieve the Supreme Government of the load of details which has hitherto so unworthily occupied its time, it is necessary that a subordinate authority, similar to that of Vice-President in Council, should under the orders

of the Governor-General in Council, reside at the Presidency, superintending the revenue and judicial administration of the Lower Provinces, and of all our territories to the eastward, and conducting all the business at Calcutta. Having now been absent from Calcutta since October, and having reserved to myself a complete cognizance and control over the whole affairs of the Presidency, very much similar to what should be executed by the Governor-General in Council if placed at Allahabad, I am, from this actual experiment, inclined to think that the Supreme Government would be enabled to devote sufficient attention to the general affairs of the Empire without renouncing the direct management of the Bengal Presidency.

The continuance of the present system would obviate one of the greatest difficulties that I suspect would be found in divesting the Supreme Government of all local management, namely, the allotment of the whole patronage of the four proposed Presidencies, so as to give to the Governor-General his proper importance and consideration, without taking away from the subordinate Governors that proportion which is necessary to the efficiency of the administration for which they are responsible. Where the responsibility is, there must be the selection of officers.

Nor would it seem desirable that a minute interference with the administration of the subordinate Governments should take place; the interference should be rather of check, of a preventive and restraining, than of an active and meddling character. The Supreme Government should come in aid, and not in supersession of the home authority. It should supply that defect and weakness in the home direction arising from distance, from the delay in the issue of its orders, and from the imperfect knowledge it must possess of the circumstances and true bearings of very many questions. Its business would be, to preserve the system as already approved from innovation, to prevent all new expenditure, to prohibit all changes in the various details connected with the Military establishment, which are for ever occurring in spite of the Court's orders, and especially so to superintend the general distribution of the troops of all the Presidencies, as to make the whole act in unison for the general defence. But it is impossible for the Supreme Government to perform even the least part of these duties without knowing beforehand the intentions of the other Governments; and for its accomplishment, it would be necessary to require that all reports of their proceedings, as is the case with all subordinate authorities, should be made direct, and in the first instance, to the Supreme Government, copies being sent for the information of the Honourable Court.

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

With

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

With respect to the constitution of the Supreme Government, it might be either left as it is, or, with reference to the whole of India being now subject to British rule, and to the expediency therefore of its being regulated by one uniform system of policy, it might be thought preferable to compose it of a Governor-General and one Councillor from each of the three Presidencies. The knowledge and experience of the whole would thus be combined for the general improvement. How much would the revenue settlements of Bengal have been promoted, if by such means the spirit of Sir Thomas Munro's superior management could have been infused, and practically brought to bear upon this branch of our administration!

In the first case, of leaving the Supreme Council as it is, there would be only the increased charge of two new Councillors at Calcutta. In the second, there would, in addition to the two Councillors at Calcutta, be required a third Civil Member for the Supreme Council. But this charge in both cases might be met in great part by reducing one of the Civil Councillors at Madras and Bombay, and transferring them to the Supreme Council. The constitution here proposed for the Governments of India accords precisely with the model of that established by the Honourable Court in the incorporated settlements to the eastward; when the Governor who was supposed to move from one settlement to the other, was absent, one resident Councillor conducted the local details. Here would be two, besides the military officer in command of the troops. Care would be taken that in no case, not even of a temporary nature, the Council should be reduced to one Member.

It is recommended that the Supreme Government should be moveable. This would be necessary if Calcutta be retained as the Seat of Empire; but it is confidently anticipated that this deference to ancient recollections, and, may I be excused for saying prejudices, will give way to the manifest and numerous objections to a position, the excessive distance of which from its most important concerns and interests, precludes the efficient performance of any one of the functions of a supreme controlling authority.

I have already dwelt so much upon this subject in my Minutes of the 10th February 1829 and 22d February 1830, that I need not again repeat arguments, which have in a great measure been supported by the unanimous opinion of the Committee and of the Members of Government. If the Supreme Government is to be moveable, the distance to be travelled, and the delay, to say nothing of the expense, of such journies, would render the residence of the Seat of Government at Calcutta more nominal than, real. But under all circumstances,

cumstances, as there apparently must be a separate Administration for the Upper Provinces, it might be more convenient and more conducive to prompt decision and energy of action, that the Governor-General should alone visit the different parts of the Empire, possessing the powers now belonging to him.

With respect to the distribution of our political relations between the subordinate Governments, according to their contiguity, as recommended by the Committee, I am now, as I ever have been, entirely opposed to it. Those chiefs and rulers who are only so in name, and have no political power, may unobjectionably be so placed. But all those, on the other hand, who possess extensive territories yielding a considerable revenue, and maintaining a military force, and who come within that most anomalous state of relationship to our power of recognized independence, but of real and virtual dependence, even to protection against their own oppressed subjects, all these should be subject alone to the Supreme Government. Experience has shown the excessive delicacy, difficulty, and impossibility almost of managing these relations with success, and it is only by the steady adoption of one and the same principle towards all in the regulation of our interference, which will be the more effectual, the less involved in intrigue, the less offensive to their dignity, and the more conducive to confidence, if proceeding direct from the paramount power, that we can hope to establish such an improved order of things that shall eventually make better rulers, happier subjects, and more useful allies.

I agree entirely with the Committee and my colleagues in the following points :

That there should be one Legislative Council for all India ; one army and one Commander-in-Chief for all India. I agree entirely in the concurrence expressed by Mr. Bayley in Mr. Hill's observations, " on the tendency of the present separation of the three armies to cause an unnecessary increase of force, solely with a view to equalize the promotion of the officers." To this might be added, the unnecessary charge of a separate Staff for each Presidency, and moreover of a double Staff in each, for the King's and Company's armies.

Although I think the Civil Service must be kept in a great degree separate, yet great good would occasionally arise by the possibility of a transfer of some officers from one to the other ; but the more the practice was circumscribed the better. It should be confined to particular and specified objects.

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

(Signed) W. C. BENTINCK.

No. LXX.
Correspondence
on the
Constitution of
the Indian
Governments.

- 6.—COPY of a Letter from the CHIEF SECRETARY to the Governor-General in Council at Bengal to P. AUBER, Esq., Secretary to the Secret Committee of the Court of Directors; dated Fort William, 28th Oct. 1831.

SIR :

With reference to Mr. Secretary Prinsep's letter to your address of the 14th ultimo, I am directed to transmit to you, for the purpose of being submitted to the Honourable the Secret Committee, the accompanying copies, in duplicate, of Mr. Prinsep's letter to me of the 10th instant, and of the letter from His Excellency the Commander-in-Chief to the Right Honourable the Governor-General, containing His Excellency's sentiments on the subject of the constitution of the Indian Governments.

I have, &c.

(Signed) GEORGE SWINTON,
Chief Secretary to Government.

- 7.—COPY of a Letter from the SECRETARY to the Governor-General of India to GEO. SWINTON, Esq., Chief Secretary to Government, Fort William; dated Simlah, 10 Oct. 1831.

SIR :

In continuation of my letter to your address, dated the 20th ultimo, I am directed to transmit to you, for the information of the Honourable the Vice-President in Council, the accompanying copy of a Minute by the Commander-in-Chief, containing His Excellency's sentiments on the subject of the constitution of the Indian Governments, and to request that transcripts of this document may also be forwarded to the Secretary to the Honourable the Secret Committee with the least practicable delay.

I have, &c.

(Signed) H. T. PRINSEP,
Secretary to the Governor-General.

- 8.—COPY of a Letter from the EARL OF DALHOUSIE, Commander-in-Chief in India, to LORD WILLIAM BENTINCK; dated Simlah, Sept. 27, 1831.

MY LORD :

After having attentively perused the various documents by the Members of the Committee of Finance at Calcutta, and by the Members of Council, I can
feel

feel no difficulty in complying with the desire expressed in your Lordship's Minute, that I should give my opinion "as to the proper position of the Commander-in-Chief, with reference to the well-being of the departments confided to his charge."

There can be no doubt of the necessity, that the Commander-in-Chief in India should at all times be placed in the most confidential communication with the Governor and Government; but a residence of three months in Calcutta, in which I attended regularly the meetings of the Council, satisfied me that the constant attendance of the Commander-in-Chief in Council could not be useful to the public service, and therefore could not be desirable.

The attention of the Commander-in-Chief must be chiefly called to the discipline, equipment, and ready state for service, in which the army is expected to be kept. His personal presence and inspection are absolutely necessary, not for his own satisfaction only, but for that also of the Government, to which he is responsible for any irregularities or deficiencies. It is not an option with the Commander-in-Chief to remain near the seat of Government; it is his duty to place himself in the midst of his troops, that he may know their state, the country in which he is to act, and every matter connected with their well-being. It is certain, that the first wish and desire of every succeeding Commander-in-Chief in India will be, to proceed with the least possible delay to the point where he may best see and know his command. A glance on the map of Bengal will show that Calcutta is an extreme point, withdrawn from convenient intercourse with the great body of the army; that all correspondence, all orders, all inspection, are rendered difficult by the distance in this Presidency, but infinitely more so when the Commander-in-Chief reflects, that his commission has placed him in chief command of the armies in all the Presidencies, and at the same time lays upon him the responsibility attached to such commission.

Under that view of the "department confided to my charge," I need no further argument to show that my post and head-quarters ought to be central, having ready and quick communication, not only throughout Bengal, but also with Madras and Bombay.

I beg, however, to draw your Lordship's attention to the manner in which I have been attended by the chief head-quarter staff of the army, for the purposes of this my first inspection. I left Calcutta in October last, having directed in orders, that the chief officers of departments should leave behind every thing not absolutely necessary for public service, and most especially to bring only such proportion of inferior officers as were indispensable for the

No. LXX.
 —
 Correspondence
 on the
 Constitution of
 the Indian
 Governments.

affairs in each. I have every reason to believe that these orders have been obeyed; nevertheless I find myself marching at the head of a little army of every rank and gradation. The chief depôt of this great staff is still at Calcutta, but so far distant, that my inspection, which I could not accomplish in a less time than two or three seasons, required all this proportion which now accompanies me.

Were the permanent head-quarters of the Commander-in-Chief placed in a centre point of the country, I might have accomplished my inspection with little more attendance than my Aides-de-Camp, and a very few assistants of the Adjutant and Quartermaster-Generals' departments; and, as the season required, the Commander-in-Chief might retire upon that head-quarter, where all his principal departments and officers were occupied in his absence; but to Calcutta he could not possibly retire in each season.

The enormous expenses attending this moveable camp afford matter of serious consideration to the Government, in addition to that of the facility and convenience of command to that officer, in whom the confidence of the Chief Governor must be placed.

Your Lordship's Minute has so fully expressed your conviction on this point (predicting even that in future the Commander-in-Chief will always place himself in Upper Bengal), that I need not say more upon it. The next question is, Which is the best and most central point for the purpose?

I think that Agra and Allahabad are nearly equal in the advantages they possess.

If the movements and correspondence of the Commander-in-Chief were alone considered, I would give the preference to Agra; but if the Artillery branch of the service, and that of the Engineers, could be brought to Allahabad, and placed under the more immediate cognizance and control of the Commander-in-Chief, which I do most strenuously and urgently advise, then indeed Allahabad has immense advantages over Agra. Should it be hereafter decided that Allahabad should be the head-quarters of the Governor General, as Supreme Government, then there can be no doubt that there also should be placed the Commander-in-Chief.

Your Lordship's Minute expresses a desire that I should also give my opinion upon all the other points touched upon in the Minutes of the Members of the Finance Committee and of Council; but in maturely considering these papers, I see only one great and important proposition to be considered. All other points appear to me as matters of detail belonging to that one.

It

It seems also, that there is perfect unanimity on that great question, with the exception of forming a fourth Presidency in the Upper Provinces, called usually "the Central India."

I entirely concur in the general opinion, that one Supreme Government, in "the Governor-General in Council," is required, and most essentially necessary to govern with energy this great Empire.

I concur with your Lordship, that in such change there is no necessity whatever, nor advantage even, to be gained in altering the existing Presidencies, or the limits of them; that Lieutenant-Governors should be appointed in charge of the local administration in Bengal, Madras, and Bombay, having as now a Council for each; and that the Governor-General, as Supreme Government, residing at Allahabad, should have the full power of proceeding, when to him it shall seem fit, to any part or residence of the subordinate Presidencies, there to assume his place as Chief Governor in Council.

I think with your Lordship, that the ablest Council that could be found to assist the Supreme Government should be a Member of Council from each of the Presidencies, and chosen by the Governor-General.

That during the required absence of these Councillors from their Presidencies, the vacant place might be filled, according to the present system, by a temporary appointment.

With regard to the consideration of the economy of this new system, I think that such details can only be well arranged by the Supreme Government when formed; and from what I have seen in this country, I should think that such a subject, proceeding from the Governor-General and his three Councillors, would be viewed with equal liberality and justice to the parties concerned, both public and private.

I concur in the general opinion, that there should be but one Commander-in-Chief, having power to visit every part of the three armies; and I have no hesitation in saying, that having himself seen the three armies, the Commander-in-Chief cannot find any difficulty in removing all the obstacles, and all the objections now imagined, why one uniform system should not constitute one active and united army.

My opinion is very decided, that the existing disjointed system renders a much more numerous force necessary, than would be the case were those forces distributed by one head where most wanted, mutually connected and mutually co-operating.

No. LXX.

Correspondence
on the
Constitution of
the Indian
Governments.

No. LXX.
Correspondence
on the
Constitution of
the Indian
Governments

The Commander-in-Chief in Bengal; one Major-General, Inspector of Cavalry; two Major-Generals, Inspectors of Infantry.

One Lieutenant-General in Madras; one Major-General, Inspector of Cavalry; one Major-General, Inspector of Infantry.

One Lieutenant-General in Bombay, and two Major-Generals, as in Madras.

The further distribution of divisions and brigades cannot now be stated; but I do not hesitate to recommend, that when such distribution shall be made, that considerations of seniority of rank shall not prevail so much as is the practice now, over considerations of talent and military conduct.

I agree with your Lordship, that a great proportion of the numerous Presidency Staff, and certainly that double Staff of the King's and Company's army, might be dispensed with.

My opinion is also very decided in regard to the Medical and Military Boards. I consider them both not only as not useful, but as heavy and most expensive incumbrances upon the effective command of the army.

I regret to find one point upon which I must differ from all the able individuals who have stated their sentiments in these Papers, and that is, as to a Legislative Council in India.

A facility to enact laws appears to me to be one of the most dangerous powers that can be given to a Subordinate Government, for such I must consider even the Supreme Government of India, as compared with the Crown and Parliament of Great Britain.

I think it might be quite sufficient to vest in the Supreme Government the power to recommend laws to be hereafter enacted for the general good of India, that recommendation to be founded on opinions given by the Judges in the several Presidencies, in manner similar to the opinion of the Twelve Judges in England, occasionally called for by the Crown or by Parliament.

The Supreme Government having ample powers to provide for all emergencies, I could fear no inconvenience, no injury, to the great interests of India, in waiting for a mature consideration of the subject before the actual enactment of law, and that such law should pass in the Parliament only.

Submitted with great respect and deference,

(Signed) DALHOUSIE,

Simlah, 27th September 1831.

Commander-in-Chief.

No. LXXI.

LETTER from the Right Honourable CHARLES GRANT to the CHAIRMAN and DEPUTY CHAIRMAN.

India Board, June 24th, 1833.

No. LXXI.

GENTLEMEN :

I beg to submit to you a Summary of such of the principal provisions of the proposed Bill respecting the East-Indies as relate to the construction of the Indian Government, the admission of Europeans, and the condition of the Natives.

This Summary is the same as that which I placed in your hands on Saturday last, with the exception only of some verbal alterations, and the addition of a few sentences, occasionally.

I have to beg that the copy which I now send may be considered as the official copy.

There are other provisions of moment which are not included in this Summary: such, for instance, as relate to the Court of Directors, the College at Haileybury, the Ecclesiastical Establishment of India, and some others of minor importance. On these I propose to transmit to you another paper.

But in the mean time I am unwilling to delay the Memorandum which I enclose, and which I request you to have the goodness to lay before the Court of Directors.

I have the honour to be, Gentlemen,

Your most obedient servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

Letter from
the Rt. Hon.
Charles Grant,
24 June 1833.

No. LXXII.

SUMMARY enclosed with Letter from the Right Honourable CHARLES GRANT, dated the 24th June 1833.

No. LXXII.

THE main provisions of the Bill, exclusive of those which relate to the Trade, the Political Administration of India, and the terms of the Compromise, are the following :—

Summary of
Provisions of
proposed Bill.

The

No. LXXII.

Summary of
Provisions of
proposed Bill,

The number of Presidencies to be four; the upper provinces of Bengal being formed into the fourth, under the title of the Presidency of Agra.

The Civil Service of the two Presidencies of Bengal and Agra continuing undivided; that is, to remain as it is.

The Army of the two Presidencies to remain as it is; that is, one and the same.

The Armies of Madras, Bombay, and Bengal (including the two Presidencies of Bengal and Agra), will consequently remain as they are, three separate armies.

It shall be left to the Court of Directors and the Board to consider whether there shall be one Commander-in-Chief for the whole Indian Army, and to take measures accordingly.

It should be borne in mind, that the Bill does not contemplate the consolidation of the three Armies, but only their being placed under one Commander-in-Chief, each separate Army being commanded by a Commander of the Forces.

There shall be a more defined and efficient control in the Supreme Government over the others; and, for this purpose, it shall have a precedent and preventive, in place of a subsequent and corrective control.

No laws to be passed, and no expense incurred by the other Presidencies, except by the previous sanction of the Supreme Government.

The Governors of the separate Presidencies not to have a Council. A Council will be less necessary in these Governments, as the Supreme Government will be strengthened.

The Governor-General to be the Governor of the Presidency of Bengal.

The whole Civil and Military Government of India to be vested in a Governor-General in Council. The Council to consist of five, besides the Governor-General and Commander-in-Chief. The Council to be appointed by the Court, with the approbation of the King.

The Governor-General in Council to have the power of making laws relating to all persons, British or Native, Foreigners or others, and all Courts of Justice. The Governor-General will thus be empowered to issue laws binding, to a certain extent, on the Supreme Courts, especially as to jurisdiction.

The laws of the Governor-General in Council, subject to the King's approbation, to be signified in two years, but to be in force till disallowed.

The Court of Directors and the Board to consider in what manner the Civil and Military Patronage in India should be apportioned between the Governor-General

General in Council and the Governors of the Presidencies, and to ordain accordingly.

The Governor General in Council to appoint a Commission of Inquiry into the nature, administration, &c. of the existing laws, into the courts of justice, modes of judicature, and police, throughout British India. The Commission to submit alterations and propositions tending to establish a legislation, approximating to as much uniformity as may be, consistent with the differences of castes, manners, usages, and feelings of the people in different parts of the country.

The Commission, though directed by Parliament, is to emanate from the Governor General in Council.

The Commission is to make reports from time to time to the Governor General, but is not to have any legislative power.

A considerably increased, though strictly guarded, facility of access to the interior of India to be given to British subjects.

All British subjects may go to the ports of entry in India without license, but must report themselves on arrival to the nearest authority.

A facility is thus given, but a condition is annexed. They are to be generally admissible, with no other limitation of space than the being confined to the well settled provinces; and no other *precedent* restraint than the reporting themselves on their arrival (at such ports as Parliament shall fix) to the proper municipal authorities.

But the condition is, that, with certain temporary exceptions, they shall be subject to the same laws and the same jurisdiction with the natives; allowing, of course, for inevitable differences: and they are to be subject to the same criminal laws and criminal courts; but cannot, for the present, be punished with death except by the Supreme Courts.

Any other minor exceptions are to be left to the Governor General in Council, to deal with by Regulation; so as, with all practicable dispatch, to have the principle established.

As to the permission to British subjects to hold land, the restriction on this point has already been greatly broken down.

Until, however, a more efficient system of judicial administration can be established, the property in land to be acquired by British subjects should be limited by *chattel interests*; that is, to leases for terms of years, which should descend, and to be disposable as personalty.

No. LXXII.

Summary of
Provisions of
proposed Bill

With

No. LXXII. With regard to deportation, it is to take place only by sentence of a court of law.

Summary of
Provisions of
proposed Bill.

It will be recollected that the Governor-General in Council is to make laws for the punishment of offences of all kinds.

Lastly, the English must be warned not to expect a liberty of access unregulated and unguarded by laws.

So much for the British Residents.

As to the Natives, besides placing them on a level with the British in point of laws, there are two enactments :

1. No person, native or natural-born in India, is to be excluded from any office, merely by reason of his religion, birth-place, descent, or colour.
2. Slavery, after a specified period, is to be abolished.

No. LXXIII.

AT A

SECRET COURT OF DIRECTORS.

No. LXXIII.

Held on Wednesday the 26th June 1833.

Secret Court,
26 June 1833.

The Chairman submitted the draft of a letter to the Right Honourable Charles Grant, assuring him that the Court will consider the proposals contained in the Summary which was forwarded with his letter of the 24th instant, with all the expedition that is consistent with the deliberation due to their great importance; and expressing the Court's anxiety, that at as early a period as possible they may be put in possession of *all* the measures which His Majesty's Ministers may have it in contemplation to propose for the administration of the Territorial Government by the Company for the further term of twenty years.

The said draft of a letter was read and approved.

No. LXXIV.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the Right*
Honourable CHARLES GRANT.

India House, 26th June 1833.

No. LXXIV.

SIR :

We have the honour to acknowledge the receipt of your letter dated the 24th instant, transmitting a Summary of such of the principal provisions of the proposed Bill respecting the Company, as relate to the construction of the Indian Governments, the admission of Europeans, and the condition of the Natives.

Letter to
the Rt. Hon.
Charles Grant,
26 June 1833.

Having communicated that letter and Summary to the Court of Directors, they request us to assure you, that they will consider the proposals thus for the first time brought before them, with all the expedition that is consistent with the deliberation due to their great importance.

In the mean time, as you have intimated an intention to transmit to us a further paper explanatory of other provisions of moment, which are to form part of the Bill, the Court trust that they may be permitted to express to you the anxiety which they feel, that at as early a period as possible they may be put in possession of *all* the measures which His Majesty's Ministers may have it in contemplation to propose for the administration of the Territorial Government by the Company for the further term of twenty years, in order that the Court may be prepared, when the Bill or Bills shall have come before Parliament, to submit to their Constituents an opinion, whether the *whole* arrangement be such as to justify the Company in giving effect to the plan, the basis only of which has yet been agreed upon.

We have, &c.

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No. LXXV.

AT A

SECRET COURT OF DIRECTORS,

No. LXXV.

Held on Friday, the 28th June 1833.

Secret Court,
28 June 1833.

The Chairman acquainted the Court, that he had this morning received a further letter from the Right Honourable Charles Grant, dated yesterday, on the subject of the proposed Bill relating to the Government of India.

The said letter from Mr. Grant was read, stating his intention to modify those parts of the Summary forwarded with his letter of the 24th instant, which relate to the constitution of the Supreme Government and of the subordinate Governments, and that no material change will be recommended to Parliament in the laws which regulate the constitution of the Court of Directors; explaining the plan proposed for the admission of Students into Haileybury College, with a view to their appointment as Writers; and stating that it is proposed to give to His Majesty the power of appointing a Suffragan Bishop for each of the Presidencies of Madras and Bombay.

It was then

Resolved, That the letter now read be referred to the consideration of a Committee of the Whole Court; whereupon

The Court resolved itself into a Committee of the Whole Court.

No. LXXVI.

LETTER *from the Right Honourable* CHARLES GRANT, *to the*
CHAIRMAN *and* DEPUTY CHAIRMAN.

No. LXXVI.

India Board, 27th June 1833.

Letter from
the Rt. Hon.
Charles Grant,
27 June 1833.

GENTLEMEN:

I have now the honour of addressing you, agreeably to my promise, in order to communicate those other provisions of moment, to which in my letter I referred

referred as forming part of the proposed Bill relating to the Government of India. No. LXXVI.

I intend to introduce that Bill without delay ; and as soon as I am able, I shall submit a copy of it to you and the Court of Directors.

Letter from
the Rt. Hon.
Charles Grant,
27 June 1833.

In providing for the future administration of India, it has been the earnest wish of His Majesty's Ministers to frame a measure which, in the accomplishment of its paramount object, might at the same time prove acceptable to the East-India Company. With this view they have made every concession which did not appear to them calculated to be positively injurious to the Indian people; and in the same disposition they have considered two provisions certainly of moment, yet without any detriment to the general operation of the plan, admitting, in their judgment, of the modifications which are understood to be desired by the Directors.

Strong objections have been made to the proposed reduction of the number of Directors. It has been represented to me that such a change would diminish the efficiency and independence of that body, and convert it into a Government Board.

Any intention of so varying the character of the Court I have, in the course of our correspondence, repeatedly disclaimed; and with what sincerity, I may confidently appeal to the history of the recent negotiations respecting the Charter. A further proof of that sincerity I am now about to supply.

My opinion on the point in question remains unaltered; I still think that the reduction which I lately contemplated would facilitate and expedite the transaction of public business, without in the slightest degree weakening the authority, impairing the dignity, or endangering the independence of the Court.

Although, however, the proposed change would, in my judgment, be an improvement, I do not think that an improvement to be purchased by a sacrifice of the smallest portion of that cordial co-operation on the part of the Court, which I regard as a main condition of the future good government of India. If by giving up this part of my plan, I can put an end to the suspicion that the object of the Government is to extend its own powers, and to depress and degrade those of the co-ordinate authority, I feel that a perseverance in it would not be justifiable. Trusting then that this concession will be accepted in the spirit in which it is made, I beg to inform you that it is not my intention to recommend to Parliament any material change in the laws which regulate the constitution of the Court of Directors.

No. LXXVI.

Letter from
the Rt. Hon.
Charles Grant,
27 June 1833.

Objections have also been urged against the alteration which I designed in the constitution of the subordinate Presidencies. It is said that the abolition of the Council now attached to the local Governor will lower the dignity of the British Government in the eyes of the natives. It is said also that the servants of the Company having always considered a seat in Council as the highest reward of faithful and diligent service, would, if the number of these honourable situations were diminished, feel themselves ungraciously treated.

To me it appears absolutely necessary that the Supreme Government shall legislate for the whole Indian empire. When the arrangement for that purpose shall have been carried into effect, the functions of the subordinate Governments will be only executive, and may be performed, I think, not less satisfactorily,—I am sure more economically,—by a Governor acting singly, than by a Governor in Council. I will, however, so far yield to what I understand to be the wishes of the Court, as to consent that the question, whether the subordinate Governments shall or shall not have Councils, shall by the Bill be reserved for the future and deliberate decision of the Court and the Board. Into a full discussion of that question I shall be prepared to enter, so soon as the new system shall be complete and in action.

The Court will, I am sure, consider the concessions which I have now announced, as indications of a sincere deference for their sentiments, and of my earnest desire to ensure from them, for those provisions of the Bill which I deem essential to the good government of the Indian people, a cheerful and liberal support.

Knowing that my sole object is the welfare of that people, and firmly believing this object to be equally dear to the Company, I should feel no small measure of regret if, by my pertinacity in matters of subordinate importance I should induce those who have in view the same end with myself, to regard the measures which I propose for the accomplishment of our common purpose, with coldness, jealousy, or aversion.

In the Summary transmitted to you, after the words, “The Council to consist of five besides the Governor-General and Commander-in-Chief,” follow these words: “The Council to be appointed by the Court with the approbation of the King.”

I wish to observe, that the last proviso relating to the King’s approbation is meant to be confined to the appointment of the Fifth Member, who is not to be a Servant of the Company. The provision ought therefore to run thus:

“The Council to consist (besides the Governor-General and Commander-in-Chief)

“ Chief) of five Councillors, of whom four shall be Company’s Servants, to be
 “ appointed as Councillors are at present, by the Court of Directors exclu-
 “ sively; and the fifth, who shall not be a Company’s Servant, shall also be
 “ appointed by the Court of Directors, but subject to His Majesty’s appro-
 “ bation.”

No. LXXXVI

Letter from
 the Rt. Hon.
 Charles Grant,
 27 June 1833.

It is intended to propose that the Directors shall nominate four times as many Candidates for admission into Haileybury College as there may be vacancies to be supplied in the Civil Service of India. From the whole number of Candidates so nominated, a selection shall on examination be made of one-fourth, who will be admitted into Haileybury, and in consequence of such admission become entitled, as much as they are at present, to Writerships in India.

The relative situations of those who go out, as now, being determined by the final examination, however, will not involve a competition for the actual appointment to India, which will be endangered to each student, not by the greater merits of another, but solely by idleness or irregularity on his own part.

It is proposed to give His Majesty the power of appointing a Suffragan Bishop for each of the Presidencies of Madras and Bombay.

I have the honour to be, Gentlemen,

Your most obedient humble servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy-Chairman
 of the East-India Company.

No. LXXVII.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Friday, the 28th June 1833.

No. LXXVII.

The Committee met for the purpose of considering the Summary forwarded with a letter from the Right Honourable Charles Grant, dated the 24th instant, of such of the principal provisions of the proposed Bill respecting the East-Indies,

Secret Committee
 of the whole Court,
 28 June 1833.

No. LXXVII. Indies, as relate to the construction of the Indian Governments, to the state of the law in India, to the admission of Europeans, and to the condition of the Natives.

Secret Committee
of the whole Court,
28 June 1833.

The letter from the Right Honourable Charles Grant, dated yesterday, stating his intention to mollify those parts of the Summary forwarded with his letter of the 24th instant, which relate to the constitution of the Governments of India; representing that no material change will be recommended to Parliament in the laws which regulate the constitution of the Court of Directors; and communicating the provisions which it is intended to introduce with respect to Haileybury College, and the Ecclesiastical Establishment of India; was read.

The Chairman submitted the draft of a proposed letter to Mr. Grant, containing an explanation of the views which the Court had formed upon his proposals as first submitted to them, and adverting to the points embraced in his last communication, and which were not included in the Summary.

The said draft of a letter was read, and the further consideration thereof adjourned until Monday, the 1st July next.

No. LXXVIII.

AT A

SECRET COURT OF DIRECTORS,

Held on Monday, the 1st July 1833.

No. LXXVIII.

Secret Court,
1 July 1833

A letter from the Right Honourable Charles Grant, dated at the India Board the 29th ultimo, forwarding a copy of the Bill introduced by him into the House of Commons on the 28th of that month, and entitled, "A Bill for Effecting an Arrangement with the India Company, and for the better Government of His Majesty's Indian Territories," being read;

It was

Resolved, That the said letter and Bill be referred to the consideration of a Committee of the Whole Court.

The Court resolved itself into a Committee of the Whole Court;
And being resumed,

A Report from the Committee of the Whole Court, dated this day, was read,

read, submitting for the Court's approval Draft of a letter to the Right Honourable Charles Grant, in reply to his letters of the 24th and 27th ultimo, and to the Summary which accompanied his letter of the former date.

No. LXXXVIII.
Secret Court,
1 July 1833

And the said draft of a letter having been likewise read,

The same was approved.

It was then

Resolved, That a General Court be summoned for Friday next, the 5th instant, for the purpose of laying before the Proprietors the Bill which has been introduced into the House of Commons relating to the Company and the Government of India; and that the said Bill, together with the proceedings relating to the present negotiation respecting the Company's Charter, which have taken place since the last communication to the General Court upon that subject, be printed for the information of the Proprietors.

Draft of an Advertisement summoning a General Court for Friday next, was read and approved.

No. LXXIX.

LETTER *from the Right Honourable* CHARLES GRANT *to the*
CHAIRMAN *and* DEPUTY CHAIRMAN.

India Board, June 29th 1833.

GENTLEMEN :

In fulfilment of the promise contained in my letter of the 27th instant, I have the honour to enclose a copy of the Bill which I introduced last night to the House of Commons. Having received a proof copy from Messrs. Hansard this morning, I have the pleasure of being able to submit the Bill to you in print instead of manuscript.

I have the honour to be, Gentlemen,

Your most obedient and humble servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. LXXIX.

Letter from
the Rt. Hon.
Charles Grant,
29 June 1833

No. LXXX.

A BILL for effecting an Arrangement with the India Company, and for the better Government of His Majesty's Indian Territories.

No. LXXX.

Preamble.

Recital of 53 Geo. 3, c. 155.

Whereby the possession and government of India were continued to the Company for a Term.

Recital that the Company claim St. Helena and Bombay, and other property, and rights not affected by determination of Term.

Recital that the Company have consented that their rights in the Indian Territories and all their property (subject to their liabilities) shall be at the disposal of Parliament; in consideration of the provisions of this Act; and that their right to trade shall be suspended.

Recital that it is expedient that India be continued under the government of the Company in trust for the Crown; and that their Property be continued in their possession in trust for the service of Government; and other purposes.

WHEREAS by an Act passed in the fifty-third year of the reign of His Majesty King GEORGE the Third, intituled "An Act for continuing in the East-India Company for a further term the possession of the British Territories in India, "together with certain exclusive Privileges; for establishing further Regulations "for the Government of the said Territories, and the better Administration of "Justice within the same, and for regulating the Trade to and from the places "within the limits of the said Company's Charter"; the possession and government of the British Territories in India were continued in the United Company of Merchants of England trading to the East-Indies for a term therein mentioned.

And whereas the said Company are intituled to or claim the Lordships and Islands of St. Helena and Bombay, under Grants from the Crown, and other property to a large amount in value, and also certain rights and privileges, not affected by the determination of the term granted by the said recited Act :

And whereas the said Company have consented that all their rights and interests to or in the said territories, and all their territorial and commercial, real and personal Assets and Property whatsoever, shall, subject to the debts and liabilities now affecting the same, be placed at the disposal of Parliament, in consideration of certain provisions hereinafter mentioned, and have also consented that their right to trade for their own profit in common with other His Majesty's Subjects be suspended during such time as the Government of the said territories shall be confided to them :

And whereas it is expedient that the said Territories, now under the Government of the said Company, be continued under such Government, but in trust for the Crown of the United Kingdom of Great Britain and Ireland, and discharged of all claims of the said Company to any profit therefrom to their own use, except the Dividend hereinafter secured to them, and that the Property of the said Company be continued in their possession and at their disposal, in trust for the Crown, for the service of the said Government, and other purposes in this Act mentioned :

BE IT THEREFORE ENACTED by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That

That from and after the *Twelfth* day of *April* One thousand eight hundred and *thirty-four* the Territorial Acquisitions and Revenues mentioned or referred to in the said Act of the fifty-third year of His late Majesty King GEORGE the Third, together with the Port and Island of Bombay, and all other Territories now in the Possession and under the Government of the said Company, except the Island of St. Helena, shall remain and continue under such Government until the *Twelfth* day of *April* One thousand eight hundred and *fifty-four*; And that all the lands and hereditaments, revenues, rents, and profits of the said Company, and all the stores, merchandize, chattels, monies, debts, and real and personal estate whatsoever, except the said Island of St. Helena, and the stores and property thereon hereinafter mentioned, subject to the debts and liabilities now affecting the same, respectively, and the benefit of all contracts, covenants, and engagements, and all rights to fines, penalties, and forfeitures, and other emoluments whatsoever, which the said Company shall be seized or possessed of, or entitled unto, on the said *Twelfth* day of *April*, One thousand eight hundred and *thirty-four*, shall remain and be vested in, and be held, received, and exercised, respectively, according to the nature and quality, estate and interest of and in the same, respectively, by the said Company in trust for his Majesty, his Heirs and Successors, for the service of the Government of India, discharged of all claims of the said Company to any profit or advantage therefrom to their own use, except the Dividend on their Capital Stock, secured to them as hereinafter is mentioned, subject to such powers and authorities for the superintendence, direction, and control over the acts, operations, and concerns of the said Company, as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made or provided by this Act.

And be it Enacted, That all and singular the privileges, franchises, abilities, capacities, powers, authorities (whether military or civil), rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever, granted to or continued in the said United Company by the said Act of the fifty-third year of King George the Third, for and during the term limited by the said Act, and all other the enactments, provisions, matters, and things* contained in the said Act, or in any other Act, or Acts whatsoever, which are limited, or may be construed to be limited to continue for and during the term granted to the said Company by the said Act of the fifty-third year of King George the Third, so far as the same, or any of them, are in force, and not repealed by, or repugnant to the enactments hereinafter contained, and all powers of alienation and disposition, rights, franchises, and immunities, which

The British Territories in India to remain under the Government of the Company till 12th April 1854.

The real and personal property of the Company to be held in trust for the Crown for the service of India.

All privileges, powers, &c. granted by 54 Geo. 3, c. 155, for the term thereby granted,

and all enactments of that and other Acts which are limited to continue during that term, and not repugnant to this Act, to be in force during further term; and all powers of alienation, rights, and immunities of

the Company to be in force, subject to the said Act.

the said United Company now have, shall continue and be in force, and may be exercised and enjoyed as against all persons whomsoever, subject to the superintendence, direction, and control hereinbefore mentioned, until the *Twelfth* day of *April*, *One thousand eight hundred and fifty-four*, unless Parliament shall otherwise direct.

From 12th April 1834, China and Tea Trade of Company to cease.

Provided always and be it Enacted, That from and after the said *Twelfth* day of *April*, *One thousand eight hundred and thirty-four*, the exclusive right of trading with the dominions of the Emperor of China, and of trading in Tea, continued to the said Company by the said Act of the fifty-third year of King George the Third, shall cease.

The Company to close their Commercial Business, and to sell their property not retained for Government.

And be it Enacted, That the said Company shall, with all convenient speed after the said *Twelfth* day of *April*, *One thousand eight hundred and thirty-four*, close their Commercial Business, and make sale of all their merchandize, stores, and effects, at home and abroad, distinguished in their account books as Commercial Assets, and all their warehouses, lands, tenements, hereditaments, and property whatsoever, which may not be retained for the purposes of the Government of the said Territories, and get in all debts due to them on account of the Commercial Branch of their affairs, and reduce their Commercial Establishments as the same shall become unnecessary, and discontinue and abstain from all Commercial Business which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property hereinbefore directed to be sold, or which shall not be carried on for the purposes of the said Government.

The Board of Control to superintend sale of the property, and the reduction of the Commercial Establishments and payment of Commercial Claims, and generally to control all acts affecting the property,

And be it Enacted, That the Board of Commissioners for the Affairs of *India* shall have full power to superintend, direct, and control the sale of the said Merchandize, Stores, and Effects, and other property hereinbefore directed to be sold, and to determine from time to time, until the said property shall be converted into money, what parts of the said Commercial Establishments shall be continued and reduced, respectively, and to control the allowance and payment of all Claims upon the said Company connected with the Commercial Branch of their affairs, and generally to superintend and control all acts and operations whatsoever of the said Company, whereby the value of the property of the said Company may be affected; and the said Board shall and may appoint such Officers as shall be necessary to attend upon the said Board during the winding up of the Commercial Business of the said Company, and that the charge of such Salaries or Allowances as His Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the

and to appoint necessary Officers to attend them during the winding up of the Commercial Business; the charge to be defrayed by Company.

the

the Exchequer for the time being, direct to be paid to such Officers, shall be defrayed by the said Company as hereinafter mentioned, in addition to the ordinary charges of the said Board.

And be it Enacted, That it shall be lawful for the said Company to take into consideration the claims of such persons employed by or under the said Company in the Commercial branch of their affairs as shall from time to time be reduced, and, under the control of the said Board, to grant such Compensations, Superannuations, or Allowances (the charge thereof, to be defrayed by the said Company as hereinafter mentioned), as shall appear reasonable.

The Company may consider claims of Commercial Officers reduced, and, under the control of the Board, grant compensations.

Provided always, and be it Enacted, That within the first fourteen sitting days after the first meeting of Parliament in every year, there be laid before both Houses of Parliament the particulars of all Compensations, Superannuations, and Allowances, so granted, and of the salaries and allowances directed to be paid to such officers as may be appointed by the said Board as aforesaid during the preceding year.

The particulars thereof being laid before Parliament every year.

And be it Enacted, That from and after the said *Twelfth* day of *April One thousand eight hundred and thirty-four*, all the Bond Debt of the said Company in Great Britain, and all the Territorial Debt of the said Company in India, and all other Debts which shall on that day be owing by the said Company, and all sums of money, costs, charges, and expenses, which, after the said *Twelfth* day of *April, One thousand eight hundred and thirty-four*, may become payable by the said Company, in respect or by reason of any covenants, contracts, or liabilities then existing, and all debts, expences, and liabilities whatever, which after the same day shall be lawfully contracted and incurred on account of the Government of the said Territories, and all payments by this Act directed to be made, shall be charged and chargeable upon the Revenues of the said Territories; and that neither any Stock or Effects which the said Company may hereafter have to their own use, nor the Dividend by this Act secured to them, nor the Directors, or Proprietors of the said Company, shall be liable to or chargeable with any of the said debts, payments, or liabilities.

Company's Debts and Liabilities charged on India.

Provided always and be it Enacted, That so long as the possession and government of the said Territories shall be continued to the said Company, all persons and bodies politic shall and may have and take the same suits, remedies, and proceedings legal and equitable against the said Company, in respect of such debts and liabilities as aforesaid, and the property vested in the said Company in Trust, as aforesaid, shall be subject and liable to the same judgments

While India is under the Government of the Company, their property to be subject to execution as if continued to them for their own use.

and executions, in the same manner and form, respectively, as if the said property were hereby continued to the said Company to their own use.

A Dividend of
£10. 10s. per cent.
per annum to be paid
on the Company's
Stock by half-yearly
payments in Great
Britain.

And be it Enacted, That out of the Revenues of the said Territories, there shall be paid to or retained by the said Company to their own use, a yearly Dividend after the rate of *Ten pounds Ten shillings* per cent. per annum on the present amount of their Capital Stock: the said Dividend to be payable in Great Britain by equal half-yearly payments, on the _____ day of _____ and the _____ day of _____

in every year: The first half-yearly payment to be made on the _____ day of *One thousand eight hundred and thirty-*

The Dividend sub-
ject to redemption
by Parliament after
the 12th of April
1874, on payment of
£200 for £100
Stock.

Provided always and be it Enacted, That the said Dividend shall be subject to Redemption by Parliament upon and at any time after the *Twelfth* day of *April, One thousand eight hundred and seventy-four*, on payment to the Company of *Two hundred pounds* sterling for every *One hundred pounds* of the said Capital Stock, together with a proportionate part of the same Dividend if the Redemption shall take place on any other day than one of the said half-yearly days of payment: Provided also, That *six* months' notice in writing, signified by the Speaker of the House of Commons, by the order of the House, shall be given to the said Company of the intention of Parliament to redeem the said Dividend.

Six months' notice
of redemption to be
given by the Speaker.

If the Company be
deprived by Parlia-
ment of the govern-
ment of India, they
may demand redemp-
tion of the Dividend
at the same rate, to
be provided for
within three years
after demand.

Provided always and be it Enacted, That if on or at any time after the said *Twelfth* day of *April, One thousand eight hundred and fifty-four*, the said Company shall by the expiration of the term hereby granted cease to retain, or shall by the authority of Parliament be deprived of the Possession and Government of the said Territories, it shall be lawful for the said Company, within one year thereafter, to demand the Redemption of the said Dividend, and provision shall be made for redeeming the said Dividend, after the rate aforesaid, within *Three* years after such demand.

Company to pay
to the Commis-
sioners for Reduc-
tion of National Debt
£2,000,000.

And be it Enacted, That there shall be paid by the said Company into the Bank of England, to the account of the Commissioners for the Reduction of the National Debt, such sums of money as shall in the whole amount to the sum of *Two millions* sterling, with interest after the rate of *Three pounds ten shillings* per centum per annum, computed from the said *Twelfth* day of *April, One thousand eight hundred and thirty-four*, on so much of the said sums as shall from time to time remain unpaid: And the Cashiers of the said Bank shall receive all such sums of money, and place the same to a separate account with

To be placed to the
account of the Secu-
rity Fund of the
India Company.

the said Commissioners, to be intituled "The Account of the Security Fund of the India Company:" And that as well the monies so paid into the said Bank, as the Dividends or Interest which shall arise therefrom, shall from time to time be laid out, under the direction of the said Commissioners, in the purchase of Capital Stock in any of the redeemable public Annuities transferable at the Bank of England; which Capital Stock so purchased shall be invested in the names of the said Commissioners, on account of the said Security Fund, and the Dividends payable thereon shall be received by the said Cashiers and placed to the said account, until the whole of the sums so received on such account shall have amounted to the sum of *Twelve millions* sterling: And the said Monies, Stock, and Dividends or Interest, shall be a Security Fund, for better securing to the said Company the redemption of their said Dividend, after the rate hereinbefore appointed for such redemption.

The Monies and Dividends to be laid out in Government Securities, and the Dividends to be placed to same account until the Monies received on such account shall amount to Twelve Millions.

The Fund to be a Security Fund for better securing the redemption of the Dividend.

Provided always and be it Enacted, That it shall be lawful for the said Commissioners for the Reduction of the National Debt from time to time, upon requisition made for that purpose by the said Court of Directors, to raise and pay to the said Company such sums of money as may be necessary for the payment of the said Company's Dividend, by reason of any failure or delay of the Remittances of the proper funds for such payment; such sums of money to be raised by sale or transfer or deposit by way of mortgage of a competent part of the said Security Fund, according as the said Directors, with the approbation of the said Board, shall direct to be repaid into the Bank of England, to the account of the Security Fund, with interest after the rate of *Three pounds ten shillings* per centum per annum, out of the Remittances which shall be made for answering such Dividend, as and when such Remittances shall be received in England.

Commissioners for the reduction of the National Debt, upon requisition of Court, may raise money necessary for paying the Dividend by reason of failure or delay of remittance of proper funds, to be repaid when remittances are received.

Provided always and be it Enacted, That all Dividends on the Capital Stock forming the said Security Fund accruing after the monies received by the said Bank to the account of such Fund shall have amounted to the sum of *Twelve millions* sterling, until the said Fund shall be applied to the Redemption of the said Company's Dividend, and also all the said Security Fund, or so much thereof as shall remain after the said Dividend shall be wholly redeemed after the rate aforesaid, shall be applied in aid of the Revenues of the said Territories.

The Dividend of the Security Fund, when complete, and until redemption of Dividend, and the Fund itself after redemption, or so much as may not be applied for redemption, to be applied in aid of Revenues.

And be it Enacted, That the said Dividend on the Company's Capital Stock shall be paid or retained, as aforesaid, out of such part of the revenues of the said Territories as shall be remitted to Great Britain, in preference to all other charges thereon payable in Great Britain; and that the said sum of *Two millions* sterling

Company's Dividends to be paid out of Revenues in preference to other charges in Great Britain. The £2,000,000 to be paid out of debt

due from the Public
and by sale of Com-
pany's Government
Stock,

subject to such prio-
rities, Revenues and
Monies generally to
be applied for the
service of India and
purposes of this Act,
under control of
Board.

Power to the King
to appoint Commis-
sioners for the Affairs
of India.

The First Lord of
the Treasury, three
Secretaries of State,
and Chancellor of
the Exchequer, to be
ex officio Commis-
sioners.

Two Commis-
sioners may form a
Board.

The first named
Commissioner to be
President: in his
absence the next
Commissioner to
preside.

sterling shall be paid, in manner aforesaid, out of any sums which shall, on the said *Twelfth* day of *April one thousand eight hundred and thirty-four*, be due to the said Company from the Public, as and when the same shall be received, and out of any monies which shall arise from the sale of any Government Stock on that day belonging to the said Company, in preference to all other payments thereout; and that, subject to such provisions for priority of charge, the revenues of the said Territories, and all monies which shall belong to the said Company on the said *Twelfth* day of *April one thousand eight hundred and thirty-four*, and all monies which shall be thereafter received by the said Company from and in respect of the property and rights vested in them in trust as aforesaid, shall be applied to the service of the Government of the said Territories, and in defraying all charges and payments by this Act created or confirmed and directed to be made, respectively, in such order as the said Court of Directors, under the control of the said Board, shall from time to time direct, anything in any other Act or Acts contained to the contrary notwithstanding.

And be it Enacted, That it shall and may be lawful to His Majesty, by any Letters-Patent, or by any Commission or Commissions to be issued under the Great Seal of Great Britain, from time to time, to nominate, constitute, and appoint, during pleasure, such persons as His Majesty shall think fit to be, and who shall accordingly be and be styled, Commissioners for the Affairs of India; and every enactment, provision, matter, and thing relating to the Commissioners for the Affairs of India, in any other Act or Acts contained, so far as the same are in force and not repealed by or repugnant to this Act, shall be deemed and taken to be applicable to the Commissioners to be nominated as aforesaid.

And be it Enacted, That the First Lord of the Treasury, the Lord President of the Council, the Lord Privy Seal, the principal Secretaries of State and the Chancellor of the Exchequer for the time being, shall, by virtue of their respective offices, and they are hereby declared to be Commissioners for the Affairs of *India*, in conjunction with the persons to be nominated in any such Commission as aforesaid, and they shall have the same powers respectively as if they had been expressly nominated in such Commission in the order in which they are herein mentioned next after the Commissioner first named therein.

And be it Enacted, That any *two* or more of the said Commissioners shall and may form a Board for executing the several powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the Commissioners for the Affairs of India; and that the Commissioner first named in any such Letters Patent or Commission, for the time being, shall be the President of the said Board;

Board; and that when any Board shall be formed in the absence of the President, the Commissioner next in order of nomination in this Act, or in the said Commission of those who shall be present, shall for that turn preside at the said Board.

And be it Enacted, That if the Commissioners present at any Board shall be equally divided in opinion with respect to any matter by them discussed, then and on every such occasion, the President, or in his absence the Commissioner acting as such, shall have *Two* voices or the casting vote.

President and occasional President to have the casting vote.

And be it Enacted, That the said Board shall and may nominate and appoint *Two* Secretaries, and such other Officers as shall be necessary to attend upon the said Board, who shall be subject to dismissal at the pleasure of the said Board; and each of the said Secretaries shall have the same powers, rights, and privileges, as by any Act or Acts now in force are vested in the Chief Secretary of the Commissioners for the Affairs of India; and that the President of the said Board, but no other Commissioner as such, and the said Secretaries and other Officers, shall be paid by the said Company such fixed salaries as His Majesty shall, by any warrant or warrants under his Sign Manual, countersigned by the Chancellor of the Exchequer for the time being, direct.

The Board to appoint two Secretaries and other Officers.

President, Secretaries, and Officers to be paid such Salaries as the Crown shall direct.

And be it Enacted, That if at any time the said Board shall deem it expedient to require their Secretaries and other Officers of the said Board, or any of them, to take an oath of secrecy, and for the execution of the duties of their respective stations, it shall be lawful for the said Board to administer such oath as they shall frame for the purpose.

Secretaries and Officers to take Oaths, if required by the Board.

And be it Enacted, That the said Board shall have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns of the said Company, which in anywise relate to or concern the Government or Revenues of the said Territories, or the property hereby vested in the said Company, in trust as aforesaid, and all grants of salaries, gratuities, and allowances, and all other payments and charges whatever, out of or upon the said Revenues and Property respectively, except as hereinafter is mentioned.

The Board of Commissioners to control all acts concerning India, and the sale of property.

And be it Enacted, That if, upon the occasion of taking any ballot on the election of a Director or Directors of the said Company, any Proprietor, who shall be resident within the United Kingdom, shall, by reason of absence, illness, or otherwise, be desirous of voting by letter of Attorney, he shall be at liberty so to do; provided that such letter of Attorney shall, in every case, express the name or names of the Candidate or Candidates for whom such Proprietor

Proprietors may vote by Attorney.

prietor shall be so desirous of voting, and shall be executed within *Ten* days next before such election; And the Attorney constituted for such purpose shall, in every case, deliver the vote he is so directed to give openly to the person or persons who shall be authorized by the said Company to receive the same; And every such vote shall be accompanied by an affidavit or affirmation to be made before a Justice of the Peace by the Proprietor directing the same so to be given, to the same or the like effect as the oath or affirmation now taken by Proprietors voting upon ballots at General Courts of the said Company and in which such Proprietor shall also state the day of the execution of such letter of attorney; And any person making a false oath or affirmation before a Justice of Peace for the purpose aforesaid, shall be held to have thereby committed wilful perjury, and if any person do unlawfully or corruptly procure or suborn any other person to take the said oath or affirmation before a Justice of the Peace, as aforesaid, whereby he or she shall commit such wilful perjury, and shall thereof be convicted, he, she, or they, for every such offence, shall incur such pains and penalties as are provided by Law against subornation of perjury.

So much of the Act of 13 Geo. III. c. 63, as enacted that no person employed in the East-Indies shall be chosen as a Director until he shall have been resident in England for two years, repealed.

If the Court, with consent of Board, declare such person to be an accountant with the Company with unsettled accounts, or that a charge against him is under the Court's consideration, he shall be ineligible for two years, unless accounts be sooner settled or charge decided on.

Dispatches may be signed by Secretary or Deputy Secretary; such Dispatches to be sealed.

And be it Enacted, That so much of the Act of the thirteenth year of the reign of King George the Third, intituled "An Act for establishing certain regulations for the better management of the affairs of the East-India Company" as well in India as in Europe, as enacts that no person employed in any Civil or Military Station in the East-Indies, or claiming or exercising any power, authority, or jurisdiction therein, shall be capable of being appointed or chosen into the office of Director, until such person shall have returned to, and been resident in England for the space of two years, shall be, and is hereby repealed: Provided that if the said Court of Directors, with the consent of the said Board, shall declare such person to be an accountant with the said Company, and that his accounts are unsettled, or that a charge against such person is under the consideration of the said Court, such person shall not be capable of being chosen into the office of Director for the term of *two* years after his return to England, unless such accounts shall be settled, or such charge be decided on, before the expiration of the said term.

And be it Enacted, That the said Court of Directors may, as often as they think fit, order any Dispatches, whereto the signatures of *Thirteen* Directors of the said Company are requisite, to be signed by the Secretary of the said Court, or his Deputy, in that behalf authorized by the said Court, and to be sealed with the Seal of the said Company, in place of being signed by *Thirteen* of the said Directors; and all Dispatches so signed by such Secretary or his Deputy

Deputy and sealed shall have the same authority as if *Thirteen* Directors had signed the same.

And be it further Enacted, That the said Court of Directors shall, from time to time, deliver to the said Board copies of all Minutes, Orders, Resolutions, and proceedings of all Courts of Proprietors, general or special, and of all Courts of Directors, within *Eight* days after the holding of such Courts respectively, and also copies of all Letters, Advices, and Dispatches whatever, which shall at any time or times be received by the said Court of Directors or any Committee of Directors.

Court to deliver to Board copies of all minutes and proceedings of Courts of Proprietors and Directors within eight days, and copies of all letters and dispatches.

And be it Enacted, That no orders, instructions, dispatches, official letters or communications whatever, relating to the said Territories or the Government thereof, or to the property or rights vested in the said Company, in trust as aforesaid, or to any public matters whatever, shall be at any time sent or given by the said Court of Directors, or any Committee of the said Directors, until the same shall have been submitted for the consideration of and approved by the said Board; and for that purpose, that copies of all such orders, instructions, dispatches, official letters or communications, which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent or given, shall be by them previously laid before the said Board, and that within the space of *Two* months after the receipt of such proposed orders, instructions, dispatches, official letters or communications, the said Board shall either return the same to the said Court of Directors or Committee of Directors, with their approbation thereof, signified under the hand of one of the Secretaries of the said Board by the order of the said Board; or if the said Board shall disapprove, alter, or vary in substance, any of such proposed orders, instructions, dispatches, official letters or communications, in every such case the said Board shall give to the said Directors, in writing, under the hand of one of the Secretaries of the said Board, by order of the said Board, their reasons in respect thereof, together with their directions to the said Directors in relation thereto; and the said Directors shall, and they are hereby required forthwith to send the said orders, instructions, dispatches, official letters or communications, in the form approved by the said Board, to their proper destinations.

No official communications to be sent by the Court until approved by the Board.

And be it Enacted, That whenever the said Court of Directors shall omit to prepare and submit for the consideration of the said Board any orders, instructions, dispatches, official letters, or communications, beyond the space of *Fourteen* days after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the

Board may require Court to frame official communications, and if Court omit to do so for fourteen days after requisition, the Board may prepare them: the

Court to send the same to their proper destinations.

said Directors any Orders, Instructions, Dispatches, Official Letters or Communications, together with their directions relating thereto; and the said Directors shall, and they are hereby required forthwith to transmit the same to their proper destinations.

Representations may within weeks be made by Court as to proposed official communications disapproved or altered by Board. Board, after considering such representations, to give final orders.

Provided always and be it Enacted, That nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Directors from expressing, within

Weeks, by representation in writing to the said Board, such remarks, observations, or explanations, as they shall think fit, touching or concerning any directions which they shall receive from the said Board; and that the said Board shall, and they are hereby required to take every such representation, and the several matters therein contained or alleged, into their consideration, and to give such further Directions thereupon as they shall think fit and expedient, which shall be final and conclusive upon the said Directors.

If Court think the orders of Board contrary to law, the Court of King's Bench may certify their opinion on any case which may be agreed upon. Such opinion to be conclusive.

And be it Enacted, That if it shall appear to the said Court of Directors that any orders, instructions, dispatches, official letters, or communications, upon which directions may be so given by the said Board as aforesaid, are contrary to law, it shall be in the power of the said Board and the said Court of Directors to send a special case, to be agreed upon by and between them, and to be signed by the President of the said Board and the Chairman of the said Company, to His Majesty's Court of King's Bench, for the opinion of the said Court; and the said Court are hereby required to certify their opinion upon any case so submitted to them, and to send a certificate thereof to the said President and Chairman, which opinion shall be final and conclusive.

Nothing in this Act to extend to empower the Board to appoint officers of the Company, or to interfere with home officers.

Provided always and be it Enacted and Declared, That the said Board shall not have the power of appointing any of the Servants of the said Company, or of directing or interfering with the Officers and Servants of the said Company employed in their Home Establishment; nor shall it be necessary for the said Court of Directors to submit for the consideration of the said Board their communications with the officers or servants employed in their said Home Establishment, or with the legal advisers of the said Company.

Orders of the Directors, after approbation by the Board, not revocable by the Proprietors.

And be it Enacted, That no Order or Resolution of the said Court of Directors, after the same shall have received the approbation of the Board of Commissioners for the Affairs of India, shall be liable to be rescinded, suspended, revoked, or varied, by any General Court of Proprietors of the said Company.

Directors to appoint a Secret Committee, who shall take the following

And be it Enacted, That the said Court of Directors shall from time to time appoint a Secret Committee, to consist of any number not exceeding Three of the

the said Directors, for the particular purposes in this Act specified; which said Directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an Oath of the tenor following (that is to say);—

“I, (A. B.) do swear, that I will, according to the best of my skill and judgment, faithfully execute the several trusts and powers reposed in me as a member of the Secret Committee appointed by the Court of Directors of the India Company; I will not disclose or make known any of the secret orders, instructions, dispatches, official letters, or communications, which shall be sent or given to me by the Commissioners for the Affairs of India, save only to the other members of the said Secret Committee, or to the person or persons who shall be duly nominated and employed in transcribing or preparing the same, respectively, unless I shall be authorized by the said Commissioners to disclose and make known the same.—So help me God.”

Oath.

which said Oath shall and may be administered by the several and respective Members of the said Secret Committee to each other; and being so by them taken and subscribed, shall be recorded by the Secretary or Deputy Secretary of the said Court of Directors for the time being amongst the acts of the said Court.

Provided also and be it Enacted, That if the said Board shall be of opinion that the subject-matter of any of their deliberations, concerning the levying war or making peace, or treating or negotiating with any of the Native Princes or States in India, or with any other Princes or States, intended to be communicated in orders, dispatches, official letters or communications to any of the Governments or Presidencies in India, or to any officers or servants of the said Company, shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders, dispatches, official letters or communications to the Secret Committee of the said Court of Directors to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same according to the tenor thereof or pursuant to the directions of the said Board, to the respective Governments and Presidencies, officers and servants; and that the said Governments and Presidencies, officers and servants, shall be bound to pay a faithful obedience thereto, in like manner as if such orders, dispatches, official letters or communications had been sent to them by the said Court of Directors.

If the Board are of opinion that any matters wherein Indian or other states are concerned require secrecy, the Board may send official communications through Secret Committee.

And be it Enacted, That the said Court of Directors shall, before the day of

One thousand eight hundred and thirty-four, and afterwards from time.

The Court to submit to the Board an estimate of Salaries.

ries of Directors and other Expenses of the India-House.

The Estimates subject to reduction by the Board.

The gross sum to be applicable at the discretion of the Court of Directors for such purposes.

Accounts of application to be rendered.

The present Presidency of Fort William, in Bengal, to be divided into two Presidencies; one to be styled the Presidency of Fort William in Bengal, the other the Presidency of Agra.

The Court to declare the limits, from time to time, of the four Presidencies.

The government of India vested in a Governor General and Members of Council.

Five to be ordinary Counsellors, Four to be servants of the Company, and to have served ten years.

time to time so often as reductions of the establishment of the said Court or other circumstances may require, frame and submit to the said Board an estimate of the gross sum which will be annually required, for the salaries of the Chairman and Members of the said Court, and the Officers and Secretaries thereof, and all other proper expenses fixed or contingent thereof, and of General Courts of Proprietors, and such estimate shall be subject to reduction by the said Board, so that the reasons for such reduction be given to the said Court of Directors; and any sum not exceeding the sum mentioned in such estimate, or (if the same shall be reduced) in such reduced estimate, shall be annually applicable, at the discretion of the Court of Directors, to the payment of the said salaries and expenses; and it shall not be lawful for the said Board to interfere with, or control the particular application thereof, or to direct what particular salaries or expenses shall from time to time be increased or reduced: Provided always, That such and the same accounts shall be kept and rendered of the sums to be applied in defraying the salaries and expenses aforesaid, as of the other branches of the expenditure of the said Company.

And be it Enacted, That the territories now subject to the Government of the Presidency of Fort William in Bengal shall be divided into two distinct Presidencies; one of such Presidencies, in which shall be included Fort William aforesaid, to be styled the Presidency of Fort William, in Bengal, and the other of such Presidencies to be styled the Presidency of Agra: And that it shall be lawful for the said Court of Directors, under the control by this Act provided, and they are hereby required to declare and appoint what part or parts of any of the territories, under the Government of the said Company, shall from time to time be subject to the Government of each of the several Presidencies, now subsisting or to be established as aforesaid, and from time to time, as occasion may require, to revoke and alter, in the whole or in part, such appointment, and to make such new distribution of the same as shall be deemed expedient.

And be it Enacted, That the whole Civil and Military Government of all the said Territories and Revenues in India shall be, and is hereby vested in a Governor-General and Counsellors, to be styled "The Governor-General of India in Council."

And be it Enacted, There shall be *Five* ordinary Members of the said Council, *Four* of whom shall from time to time be appointed by the said Court of Directors from amongst such persons as shall be, or shall have been, Servants of the said Company; and each of the said *Four* ordinary Members of Council shall,

shall, at the time of his appointment, have been in the service of the said Company for at least *Ten* years; and if he shall be in the Military Service of the said Company, he shall not, during his continuance in office as a Member of Council, hold any Military Command, or be employed in actual Military Duties; and that the fifth ordinary Member of Council shall from time to time be appointed from amongst persons who shall not be Servants of the said Company by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by his Royal Sign-Manual, countersigned by the President of the said Board; and it shall be lawful for the said Court of Directors to appoint the Commander-in-Chief of the Company's Forces in India, and if there shall be no such Commander-in-Chief, or the offices of such Commander-in-Chief and of the Governor-General of India shall be vested in the same person, then the Commander-in-Chief of the Forces on the Bengal Establishment to be an extraordinary Member of the said Council, and such extraordinary Member of Council shall have rank and precedence at the Council Board next after the Governor-General.

And be it Enacted, That the person who shall be Governor General of the Presidency of Fort William in Bengal on the *Twelfth* day of *April One thousand eight hundred and thirty-four*, shall be the first Governor General of India under this Act; and such persons as shall be Members of Council of the same Presidency on that day, shall be respectively Members of the Council constituted by this Act.

And be it Enacted, That all vacancies happening in the office of Governor-General of India, shall from time to time be filled up by the said Court of Directors; subject to the approbation of His Majesty, to be signified in writing by His Royal Sign-Manual, countersigned by the President of the said Board.

And be it Enacted, That the said Governor General in Council shall have power to make Laws and Regulations for repealing, amending, or altering any Laws or Regulations whatever now in force, or hereafter to be in force, in the said Territories or any part thereof, and to make Laws and Regulations for all persons, whether British or Native, Foreigners or others, and for all Courts of Justice, whether established by His Majesty's Charters or otherwise, and the jurisdictions thereof, and for all places and things whatsoever, within and throughout the whole and every part of the said Territories, and for all servants of the said Company within the dominions of Princes and States in alliance with the said Company; save and except that the said Governor General in Council shall

Any ordinary Member of Council in the military service not to hold any command. The fifth ordinary Member of Council to be appointed with the approbation of the King, not from the Company's servants.

The person who shall be Governor General on 12th of April next, to be Governor General under this Act. The Members of Council, on 12th April 1834, to be appointed Members of Council under this Act. Vacancies in the office of Governor General to be filled up by Court of Directors, subject to the King's approbation.

Except as mentioned, the Governor General in Council empowered to legislate for India.

shall not have the power of making any Laws or Regulations which shall in any way repeal, vary, suspend, or affect any of the provisions of this Act, or any of the provisions of the Acts for punishing mutiny and desertion of officers and soldiers, whether in the service of His Majesty or the said Company, or any provisions of any Act hereafter to be passed, in any wise affecting the said Company or the said Territories or the Inhabitants thereof, or any Laws or Regulations which shall in any way affect any prerogative of the Crown or the authority of Parliament, or the Constitution or Rights of the said Company, or any part of the unwritten Laws or Constitution of the United Kingdom of Great Britain and Ireland, whereon may depend, in any degree, the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said Territories.

Power to the Court of Directors, under control of Board, to disallow Laws.

And be it Enacted, That it shall and may be lawful for the said Court of Directors, under such control as by this Act is provided, to signify to the said Governor-General in Council their disallowance of any Laws or Regulations by the said Governor-General in Council made; and upon receipt by the said Governor-General in Council of notice of such disallowance, the said Governor-General in Council shall forthwith repeal all Laws and Regulations so disallowed.

All such Laws and Regulations, until repealed, to be of the same force as any Act of Parliament.

Provided always and be it Enacted, That all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect, within and throughout the said Territories, as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories, in the same manner as any public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor-General in Council.

Registration in Supreme Court unnecessary.

No new Tax to be imposed upon goods imported, or powers shall be given to any Court of Justice, other than the King's Courts, to punish with death subjects or their children, or to abolish the King's Courts, without previous sanction of the Directors.

Provided always and be it Enacted, That it shall not be lawful for the said Governor General in Council, without the previous sanction of the said Court of Directors, to make any Law or Regulation imposing any new or additional duty or tax upon the import of any goods, wares, or merchandize, from the United Kingdom or any part of the Dominions of His Majesty, other than the said Territories, or any Law or Regulation whereby power shall be given to any Courts of Justice, other than the Courts of Justice established by His Majesty's Charters, to sentence to the punishment of Death any of His Majesty's natural-born Subjects born in Europe, or the children of such Subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

And

And be it Enacted, That the said Court of Directors shall forthwith submit, for the approbation of the said Board, such Rules as they shall deem expedient for the procedure of the Governor General in Council, in the discharge and exercise of all powers, functions, and duties imposed on or vested in them by virtue of this Act, or to be imposed or vested in them by any other Act or Acts; which Rules shall prescribe the modes of promulgation of any Laws or Regulations to be made by the said Governor General in Council, and of the authentication of all acts and proceedings whatsoever of the said Governor General in Council; and such Rules, when approved by the said Board of Commissioners, shall be of the same force as if they had been inserted in this Act: Provided always, That such rules shall be laid before both Houses of Parliament in the Session next after the approval thereof.

Provided always and be it Enacted, That all Laws and Regulations shall be made at some meeting of the Council, at which the said Governor General and at least *Three* of the ordinary Members of Council shall be assembled; and that all other functions of the said Governor General in Council may be exercised by the said Governor General and one or more ordinary Member or Members of Council; and that in every case of difference of opinion at Meetings of the said Council, where there shall be an equality of voices, the said Governor General shall have *Two* Votes or the casting Vote.

Provided always and be it Enacted, That when and so often as any measure shall be proposed before the said Governor General in Council, whereby the safety or tranquillity of the British Possessions in India, or any part thereof, are or may be, in the judgment of the said Governor General, essentially affected, and the said Governor General shall be of opinion, either that the measure so proposed ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the majority in Council then present shall differ in and dissent from such opinion, the said Governor General and Members of Council are hereby directed forthwith mutually to exchange with and communicate to each other, in writing under their respective hands, to be recorded at large on their Secret Consultations, the grounds and reasons of their respective opinions; and if, after considering the same, the said Governor General and the majority in Council shall still differ in opinion, it shall be lawful for the said Governor General of his own authority and on his own responsibility to suspend or reject the measure so proposed, in part or in whole, or to adopt and carry the measure so proposed into execution, as the said Governor General shall think fit and expedient.

The Court to submit to the Board rules for the procedure of the Governor-General in Council.

Such rules to prescribe the modes of promulgation of laws and of the authentication of the proceedings of the Governor General in Council. The Rules to be of the same force as if inserted in this Act, and to be laid before Parliament.

Quorum of Governor General in Council for making laws, the Governor General and three of the ordinary Members. For all other duties, Governor General and one ordinary Member.

The Governor General to have the casting vote.

When any measure proposed, whereby the safety or peace of India may be essentially affected, and the Governor General shall think it expedient to adopt or reject such measure, and the Members of Council shall differ in opinion from him, the Governor General and Majority in Council to interchange the reasons; and if, after consideration, the majority in Council shall still differ, the Governor General to have the right of decision, and his orders to be obeyed.

And

Council to assemble at any place in India.

Nothing in this Act to affect the right of Parliament to legislate for India.

Express reservation to Parliament to control all acts whatever of Governor General in Council.

Laws and Regulations to be laid before Parliament:

All enactments relating to Supreme Government shall apply to Governor General of India in Council.

A Law Commission to be appointed to supply information and suggestions, for improving judicial establishments and police, and for consolidating and amending the Laws.

And be it Enacted, That the said Council shall from time to time assemble at such place or places as shall be appointed by the said Governor General, within the said territories; And that as often as the said Council shall assemble within any of the Presidencies of Fort St. George, Bombay, or Agra, the Governor of such Presidency shall act as an extraordinary Member of Council.

Provided always and be it Enacted, That nothing herein contained shall extend to affect in any way the right of Parliament to make Laws for the said Territories and for all the Inhabitants thereof: And it is expressly declared, That a full, complete, and constantly existing right and power is intended to be reserved to Parliament, to control, supersede, or prevent all proceedings and acts whatsoever of the said Governor General in Council, and to repeal and alter, at any time, any Law or Regulation whatsoever made by the said Governor General in Council, and in all respects to legislate for the said Territories and all the Inhabitants thereof, in as full and ample a manner as if this Act had not been passed: And the better to enable Parliament to exercise at all times such right and power, all Laws and Regulations made by the said Governor General in Council shall be transmitted to England and laid before both Houses of Parliament, in the same manner as is now by law provided, concerning the Rules and Regulations made by the several Governments in India.

And be it Enacted, that all enactments, provisions, matters, and things relating to the Governor General of Fort William in Bengal in Council, in any other Act or Acts contained, so far as the same are now in force and not repealed by or repugnant to the provisions of this act, shall continue and be in force and be applicable to the Governor General of India in Council.

AND whereas it is expedient, that, subject to such special arrangements as local circumstances may require, a general system of Judicial Establishments and Police, to which all persons whatsoever as well Europeans as Natives may be subject, should be established in the said Territories at an early period; and that such Laws as may be applicable in common to all classes of the Inhabitants of the said Territories, due regard being had to the rights, feelings, and peculiar usages of the People, should be enacted, and that all Laws and Customs having the force of law within the same Territories, should be ascertained and consolidated, and as occasion may require amended; BE it therefore Enacted, that the said Governor-General of India in Council shall, as soon as conveniently may be after the passing of this Act, issue a Commission and from time to time Commissions to such persons as the said Court of Directors with the approbation of the said Board of Commissioners shall recommend for that purpose.

and

and to such other persons, if necessary, as the said Governor-General in Council shall think fit, all such persons not exceeding in the whole at any one time *Five* in number, and to be styled "The Indian Law Commissioners," with all such powers as shall be necessary for the purposes hereinafter mentioned; And the said Commissioners shall fully enquire into the Jurisdiction, Powers, and Rules of the existing Courts of Justice and Police Establishments in the said Territories, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject; And the said Commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said Courts of Justice and Police Establishments, forms of Judicial procedure and Laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said Territories.

And be it Enacted, That the said Commissioners shall follow such instructions, with regard to the researches and enquiries to be made, and the places to be visited by them, and all their transactions with reference to the objects of their Commission, as they shall from time to time receive from the said Governor-General of India in Council; and they are hereby required to make to the said Governor-General in Council such special reports upon any matters as by such instructions may from time to time be required; and the said Governor-General in Council shall take into consideration the Reports from time to time to be made by the said Indian Law Commissioners, as shall transmit the same, together with the opinions or resolutions of the said Governor General in Council thereon, to the said Court of Directors.

And be it Enacted, That it shall and may be lawful for the Governor-General of India in Council to grant salaries to the said Indian Law Commissioners and their necessary officers and attendants, and to defray such other expences as may be incident to the said Commission, and that the salaries of the said Commissioners shall be according to the highest scale of remuneration given to any of the officers or servants of the India Company below the rank of Members of Council.

And be it Enacted, That the executive Government of each of the several Presidencies of Fort William in Bengal, Fort St. George, Bombay, and Agra, shall

The Law Commissioners to follow the instructions of the Governor General in Council, and to make special reports when required.

Governor General in Council to consider reports, and transmit to Court of Directors their opinions thereon.

Salaries to be granted to Law Commissioners.

The Executive Government of the Presidencies to be administered by the Governors.

shall be administered by a Governor, and that the Governor-General of India for the time being shall be the Governor of the Presidency of Fort William in Bengal.

Power to Directors
to appoint Councils.

Provided always, and be it Enacted, That it shall be lawful for the said Court of Directors to appoint a Council in any Presidency, where the said Court, with the sanction and approbation of the said Board, shall resolve that the Governor be assisted by a Council, and in case of the appointment of such a Council in any Presidency, the executive Government of such Presidency shall be administered by the Governor and Counsellors thereof, to be styled, The Governor in Council of the said Presidencies of Fort William in Bengal, Fort Saint George, Bombay, or Agra respectively; and the said Governor and Counsellors respectively of each such Presidency shall have the same rights and voices in their assemblies, and shall observe the same order and course in their proceedings as the Governors in Council of the Presidencies of Fort St. George and Bombay respectively now have and observe.

The Governors of, Madras and Bombay, on 12th April 1834, to be the first Governors of those Presidencies under this Act, and the office of Governor of the Presidency of Agra, and vacancies in that and other Presidencies, shall be filled up by the Court, subject to the approbation of the King.

And be it Enacted, That the several persons who, on the said *twelfth* day of *April One thousand eight hundred and thirty-four* shall be Governors of the respective Presidencies of Fort St. George and Bombay, shall be the first Governors of the said Presidencies, respectively, under this Act; and that the office of Governor of the said Presidency of Agra, and all vacancies happening in the offices of the Governors of the said Presidencies, respectively, shall be filled up by the said Court of Directors, subject to the approbation of His Majesty, to be signified under his Royal Sign-Manual, countersigned by the said President of the said Board of Commissioners.

The Governors of the Presidencies to have the powers and immunities of the present Governors of Madras and Bombay;

And be it Enacted, That in the Presidencies in which no Council shall be appointed under the provision hereinbefore contained, the Governors appointed under this Act, and in the Presidencies in which Councils shall be appointed, the said Governors in their respective Councils shall have all the Rights, Powers, Duties, Functions and Immunities whatsoever, not in anywise repugnant to this Act, which the Governors of Fort St. George or Bombay, in their respective Councils, now have or would have had if this Act had not been passed, within their respective Presidencies; and that the Governors and Members of Council of Presidencies appointed by or under this Act, shall severally have all the Rights, Powers and Immunities respectively, not in anywise repugnant to this Act, which the Governors and Members of Council of the Presidencies of Fort St. George and Bombay respectively now have in their respective Presidencies: Provided, That no Governor or Governor in Council shall have the power of making

but not to make
Laws or grant
Money.

making or suspending any Regulations or Laws in any case whatever, or of creating any new Office, or granting any Salary, Gratuity, or Allowance without the previous sanction of the Governor-General of India in Council.

Provided always and be it Enacted, That when and so often as the said Court of Directors shall neglect, for the space of *Two* calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in India in the appointment of the said Court shall have been received by the said Court, to supply such Vacancy, then and in every such case it shall be lawful for His Majesty to appoint, by writing under his Sign-Manual, such person as His Majesty shall think proper to supply such Vacancy; and that every person so appointed shall have the same powers, privileges, and authorities, as if he or they had been appointed by the said Court, and shall not be subject to removal or dismissal without the approbation and consent of His Majesty.

If Court of Directors neglect for two months to supply vacancy in any office, the King to appoint.

And be it Enacted, That it shall be lawful for the said Court of Directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any Vacancy or Vacancies therein, when the same shall happen by the Death or Resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India, with intent to return to Europe, or on any event or contingency expressed in any such provisional Appointment or Appointments to the same respectively, and such Appointments again to revoke; Provided that every provisional appointment to the several offices of Governor-General of India, Governor of a Presidency, and the Member of Council of India by this Act directed to be appointed from amongst persons who shall not be servants of the said Company, shall be subject to the approbation of His Majesty, to be signified as aforesaid; but that no person so appointed to succeed provisionally to any of the said offices, shall be entitled to any authority, salary, or emolument appertaining thereto, until he shall be in the actual possession of such office.

Power for the Court to make provisional appointments to any offices.

Provisional appointments of certain Officers to be approved by His Majesty.

And be it Enacted, That if any Vacancy shall happen in the office of Governor General of India, when no provisional or other Successor shall be upon the spot to supply such Vacancy, then and in every such case the ordinary Member of Council next in rank to the said Governor-General shall hold and execute the said office of Governor-General of India and Governor of the Presidency of Fort William in Bengal, until a Successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such acting Governor-General shall, during the time of his continuing to act as such, have and exercise

In case of vacancy in the office of Governor General, and no successor to a Governor General upon the spot, the ordinary Member of Council next in rank to act as Governor General.

exercise all the rights and powers of Governor-General of India, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting Governor-General foregoing his salary and allowance of a Member of Council for the same period.

In case of a vacancy in the office of Governor of any of the subordinate Presidencies, and no provisional or other successor on the spot, the Governor General in Council empowered to appoint any person to the office, to act till a successor arrives; in the meantime, the senior Secretary to act as Governor.

And be it Enacted, That if any Vacancy shall happen in the office of Governor of Fort St. George, Bombay, or Agra, when no provisional or other Successor shall be upon the spot to supply such Vacancy, then and in every such case, if there shall be a Council in the Presidency in which such Vacancy shall happen, the Member of such Council, who shall be next in rank to the Governor, and if there shall be no Council, then the Secretary of Government of the said Presidency, who shall be senior in the said office of Secretary, shall hold and execute the said office of Governor until a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such Acting Governor shall, during the time of his continuing to act as such, receive and be entitled to the emoluments and advantages appertaining to the office by him supplied, such acting Governor foregoing all Salaries and Allowances by him held and enjoyed at the time of his being called to supply such office.

In case of a vacancy in the office of a Member of Council when no provisional or other successor on the spot, the Governor General in Council or Governor in Council to appoint to the office temporarily.

And be it Enacted, That if any Vacancy shall happen in the office of an ordinary Member of Council of India when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion, such Vacancy shall be supplied by the appointment of the Governor-General in Council; and if any Vacancy shall happen in the office of a Member of Council of any Presidency when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appointment of the Governor in Council of the Presidency in which such vacancy shall happen; and, until a successor shall arrive, the person so nominated shall execute the office by him supplied, and shall have all the powers thereof, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said Office during his continuance therein, every such temporary Member of Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such Office.

The Governor General in Council to have the control over the Presidencies.

And be it further Enacted, That the said Governor General in Council shall have and be invested, by virtue of this Act, with full power and authority to superintend and control the Governors and Governors in Council of Fort William in Bengal, Fort St. George, Bombay, and Agra, in all points relating to the civil or military Administration of the said Presidencies respectively, and

the said Governors and Governors in Council shall be bound to obey such orders and instructions of the said Governor General in Council in all cases whatsoever.

And be it Enacted, That it shall and may be lawful for the Governors or Governors in Council of Fort William in Bengal, Fort St. George, Bombay and Agra respectively, to propose to the said Governor-General in Council drafts or projects of any Laws or Regulations which the said Governors, or Governors in Council respectively, may think expedient, together with their reasons for proposing the same; and the said Governor-General in Council is hereby required to take the same and such reasons into consideration, and to communicate the resolutions of the said Governor-General in Council thereon to the Governor or Governor in Council by whom the same shall have been proposed.

Drafts of Laws proposed by Governors to be taken into consideration by Governor General in Council.

And be it Enacted, That when the said Governor General shall visit any of the Presidencies of Fort St. George, Bombay or Agra, the powers of the Governors of those Presidencies, respectively, shall not, by reason of such visit, be suspended.

When Governor General visits the Presidencies the powers of Governors not to be suspended.

And be it Enacted, That the said Governors and Governors in Council of the said Presidencies of Fort William in Bengal, Fort St. George, Bombay, and Agra respectively, shall, and they are hereby respectively required regularly to transmit to the said Governor General in Council true and exact copies of all such orders, proceedings, and acts of their respective Governments, and also advice and intelligence of all such transactions and matters as shall come to their knowledge, material to be communicated to the said Governor General in Council as aforesaid, or as the said Governor General in Council shall from time to time require.

Communications to be transmitted by Governors to Governor in Council.

And be it Enacted, That it shall be lawful for the said Governor-General in Council, as often as the exigencies of the public service may appear to him to require, to appoint such one of the ordinary members of the said Council of India as he may think fit, to be Deputy Governor of the said Presidency of Fort William in Bengal; and such Deputy Governor shall be invested with all the powers and perform all the duties of the said Governor of the Presidency of Fort William in Bengal, but shall receive no additional salary by reason of such appointment.

The Governor General may appoint a Deputy Governor General as often as exigencies may require.

And be it Enacted, That whenever the said Governor General in Council shall declare that it is expedient that the said Governor General should visit any part of India, unaccompanied by any Member or Members of the Council of

India,

Whenever the Governor General in Council shall declare it expedient for the Governor General to visit any part of

India without his Council, they shall provide for the Presidency of the Council and the Government of the Presidency of Fort William

The new Presidency of Agra not to affect the succession to commands and offices in Bengal and Agra.

Presidency of Fort William to be entire for the purposes of the Mutiny Act.

Articles of War to be made by Governor General in Council.

India, it shall be lawful for the said Governor General in Council, previously to the departure of the said Governor General, to nominate some Member of the Council in India, in whom during the absence of the said Governor General from the said Presidency of Fort William in Bengal, the powers of the said Governor General in assemblies of the said Council shall be reposed.

And be it Enacted, That there shall not, by reason of the division of the Territories now subject to the Government of the Presidency of Fort William in Bengal into two Presidencies as aforesaid, be any separation between the establishments and forces thereof respectively, or any alteration in the course and order of promotion and succession of the Company's servants in the same two Presidencies respectively; but that all the servants, civil and military, of the Bengal establishments and forces, shall and may succeed and be appointed to all commands and offices within either of the said Presidencies respectively, as if this Act had not been passed.

And be it Enacted, That for the purposes of an Act passed in the fourth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the service of the East-India Company; and to authorize Soldiers and Sailors in the East-Indies to send and receive Letters at a reduced rate of Postage," and of any articles of war made or to be made under the same, the Presidency of Fort William in Bengal shall be taken and deemed to comprise under and within it all the Territories, which by or in virtue of this Act shall be divided between the Presidencies of Fort William in Bengal and Agra respectively; and shall for all the purposes aforesaid, be taken to be the Presidency of Fort William in Bengal in the said Act mentioned.

And be it Enacted, That it shall be lawful for the said Governor General in Council from time to time to make articles of war for the government of the native officers and soldiers in the military service of the Company, and for the administration of justice by courts-martial to be holden on such officers and soldiers, and such articles of war from time to time to repeal or vary and amend; And such articles of war shall be made and taken notice of in the same manner as all other the laws and regulations to be made by the said Governor General in Council under this Act; and shall prevail and be in force, and shall be of exclusive authority over all the Native Officers and Soldiers in the said Military Service, to whatever Presidency such Officers and Soldiers may belong, or wheresoever they may be serving; Provided nevertheless, that until such Articles of War shall be made by the said Governor General in Council, any

Articles of War for or relating to the Government of the Company's Native Forces, which at the time of this Act coming into operation shall be in force and use in any part or parts of the said Territories, shall remain in force.

And be it Enacted, That it shall be lawful for His Majesty, by any writing under his Sign-Manual, countersigned by the President of the said Board of Commissioners, to remove or dismiss any person holding any Office, Employment, or Commission, Civil or Military, under the said Company in India, and to vacate any Appointment or Commission of any person to any such Office or Employment: Provided, that a Copy of every such Writing, attested by the said President, shall, within *Eight* days after the same shall be signed by His Majesty, be transmitted or delivered to the Chairman or Deputy Chairman of the said Company.

Power to His Majesty to remove any officer of the Company.

Duplicate of the instrument of removal to be transmitted to the Chairman or Deputy Chairman.

Provided always and be it Enacted, That nothing in this Act contained shall take away the power of the said Court of Directors to remove or dismiss any of the Officers or Servants of the said Company, but that the said Court shall and may at all times have full liberty to remove or dismiss any of such Officers or Servants at their will and pleasure: Provided that any Servant of the said Company appointed by His Majesty through the default of appointment by the said Court of Directors, shall not be dismissed or removed without His Majesty's approbation, as herein-before is mentioned.

The power of the Directors to remove their servants preserved.

And be it Enacted, That there shall be paid to the several Officers hereinafter named the several Salaries set against the names of such Officers, subject to such reduction of the said several Salaries respectively, as the said Court of Directors, with the sanction of the said Board may at any time think fit; (that is to say)

Salaries of Governor General, &c. fixed, to be in lieu of all fees, &c.

To the Governor General of India,

To each Ordinary Member of the Council of India,

To each Governor of the Presidencies of Fort St. George, Bombay and Agra,

To each Member of any Council to be appointed in any Presidency,

And the Salaries of the said Officers, respectively, shall commence from their respectively taking upon them the execution of their respective offices; and the said Salaries shall be the whole profit or advantage which the said Officers shall enjoy during their continuance in such offices respectively: And it shall be, and it is hereby declared to be a misdemeanor, for any such Officer to accept for his own use, in the discharge of his office, any Present, Gift, Donation, Gratuity, or Reward, pecuniary or otherwise, whatsoever, or to trade or traffic for his own benefit, or for the benefit of any other person or persons whatsoever:

Acceptance of gratuities a misdemeanor.

And the said Court of Directors are hereby required to pay to all and singular the

Passage-money fixed.

the Officers and persons hereinafter named, who shall be resident in the United Kingdom at the time of their respective Appointments, for the purpose of defraying the expenses of their Equipment and Voyage, such sums of money as are set against the names of such officers and persons respectively; (that is to say)

To the Governor-General, *Five thousand pounds.*

To each Member of the Council of India, *One thousand two hundred pounds.*

To each Governor of the Presidencies of Fort St. George, Bombay and Agra, *Two thousand five hundred pounds.*

Governor General and Governors to forego pensions and other salaries from the Crown or Company while they hold office.

Provided always and be it Enacted, That if any Governor General, Governor, or ordinary Member of the Council of India, or any Member of the Council of any Presidency, shall hold or enjoy any Pension, Salary, or any Place, Office, or Employment of Profit, under the Crown or the said Company, or any Annuity payable out of the Civil or Military fund of the said Company, the Salary of his office of Governor General of India, Governor or Member of Council, shall be reduced by the amount of the Pension, Salary, Annuity, or Profits of Office, so respectively held or enjoyed by him.

Directors to make regulations for the distribution of Patronage in India.

And be it Enacted, That the said Court of Directors, with the approbation of the said Board of Commissioners, shall and may from time to time make regulations for the division and distribution of the patronage and power of nomination of and to the Offices, Commands, and Employments in the said Territories, and, in all or any of the Presidencies thereof, among the said Governor-General in Council, Governor-General, Governors in Council, Governors, Commander-in-chief, and other Commanding Officers, respectively, appointed or to be appointed under this Act.

Departure of Governor General, Governor, or Member of Council for Europe, to be a resignation.

And be it Enacted, That the return to Europe or the departure from India with intent to return to Europe, of any Governor-General of India, Governor, Member of Council, or Commander-in-chief, shall be deemed in Law a Resignation and Avoidance of his Office or Employment, and that no act or declaration of any Governor-General, or Governor, or Member of Council, other than as aforesaid, excepting a Declaration in writing under hand and seal, delivered to the Secretary for the Public Department of the Presidency wherein he shall be, in order to its being recorded, shall be deemed or held as a Resignation or surrender of his said Office; and that the Salary and other Allowances of any such Governor-General or other Officer, respectively, shall cease from the day of such his Departure, Resignation, or Surrender; and that if any such Governor General, or Member of Council of India shall leave the said Terri-

Resignation in India to be by deed.

Salary to cease on departure or resignation.

tories

teries, or if any Governor or other Officer whatever in the service of the said Company shall leave the Presidency to which he shall belong, other than in the known actual service of the said Company, the Salary and Allowances appertaining to his Office shall not be paid or payable during his absence to any Agent or other person, for his use; and in the event of his not returning, or of his coming to Europe, his Salary and Allowances shall be deemed to have ceased on the day of his leaving the said Territories, or the Presidency to which he may have belonged: Provided that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the Representatives of their Officers or Servants, who, having left their stations intending to return thereto, shall die during their absence.

Representatives of Officers dying during a temporary absence from their stations, to receive the same payment as is now made.

And be it Enacted, That every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the orders or instructions of the said Court of Directors by any Governor-General of India, Governor, Member of Council, or Commander-in-chief, or by any other of the Officers or Servants of the said Company, unless in cases of necessity, (the burthen of the proof of which necessity shall be on the person so disobeying, or omitting, forbearing or neglecting to execute such orders or instructions as aforesaid,) and every wilful breach of the trust and duty of any Office or Employment by any such Governor-General, Governor, Member of Council, or Commander-in-chief, or any of the Officers or Servants of the said Company, shall be deemed and taken to be a Misdemeanor at Law, and shall or may be proceeded against and punished as such, by virtue of this Act.

Disobedience of orders, and breach of trust by officers or servants of the Company in India, misdemeanors.

And be it Enacted, That it shall be lawful for any natural-born subjects of His Majesty to proceed by sea to any port or place having a custom-house establishment within the said Territories, and to reside thereat, or to proceed to and reside in, or pass through any part of such of the said Territories as were under the Government of the said Company on the day of

Authority for His Majesty's subjects to reside in certain parts of India without License.

and in any part of the Settlements of Singapore and Malacca, without any license whatever; Provided, That all subjects of His Majesty, not Natives of the said Territories, shall on their arrival in any part of the said Territories from any Port or Place not within the said Territories, make known in writing their names, places of destination, and objects of pursuit in India, to the Chief Officer of the Customs or other Officer authorized for that purpose at such Port or Place as aforesaid.

Provided always and be it Enacted, That it shall not be lawful for any Subject of His Majesty, except the servants of the said Company and others now lawfully

Subjects of His Majesty not to reside in certain parts of India without License.

lawfully authorized to reside in the said Territories, to enter the same by land, or to proceed to or reside in any place or places in such parts of the said Territories as were not under the Government of the said Company on the said

day of

other than the said Settlements of Singapore and Malacca, without License from the said Board of Commissioners, or the said Court of Directors, or the said Governor-General in Council, or a Governor or Governor in Council of any of the said Presidencies for that purpose first obtained.

Provided always and be it Enacted, That it shall be lawful for the said Governor-General in Council, with the previous consent and approbation of the said Court of Directors for that purpose obtained, to declare any place or places which were not under the Government of the said Company on the said

day of

open to all His Majesty's natural-born Subjects, and it shall be thenceforth lawful for any of His Majesty's natural-born Subjects to proceed to, or reside in, or pass through any place or places so declared open without any License whatever.

Provided always and be it Enacted, That nothing herein contained shall prevent any Subjects of His Majesty authorized to reside in the said Territories, when convicted of crimes which now are or shall be made punishable with Banishment or Transportation, from being banished or transported therefrom in due course of Law.

And be it Enacted, That the said Governor-General in Council shall and he is hereby required, as soon as conveniently may be, to make Laws or Regulations, providing for the prevention or punishment of the illicit entrance into or residence in the said Territories of persons not authorized to enter or reside therein.

AND whereas the removal of restrictions on the intercourse of Europeans with the said Territories will render it necessary to provide against any mischiefs or dangers that may arise therefrom, BE it therefore Enacted, That the said Governor General in Council shall, and he is hereby required, by Laws or Regulations, to provide with all convenient speed for the Protection of the Natives of the said Territories from insult and outrage in their persons, religions, or opinions, and for the prevention of attempts to excite rebellion or insurrection.

And be it Enacted, That it shall be lawful for any natural-born subject of His Majesty authorized to reside in the said Territories, to acquire and hold lands, or any right, interest, or profit in or out of lands, for a term of *Sixty* years, or any lesser term or estate, in such part or parts of the said Territories as he shall

be

neral in Council, with previous consent of Directors, may declare other places open.

Banishment and transportation may be inflicted for crimes.

Laws against illicit residence to be made.

Laws and regulations to be made for protection of Natives.

Lands within the Indian territories may be purchased.

be so authorized to reside in: Provided always, That nothing herein contained shall be taken to prevent the said Governor General in Council from enabling, by any Laws or Regulations or otherwise, any subjects of His Majesty to acquire or hold any lands or rights, interests or profits, in or out of lands in any part of the said Territories, and for any terms or estates.

And be it Enacted, That no Native of the said Territories, nor any natural-born Subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any Place, Office, or Employment under the said Company.

No disabilities to exist in respect of religion, colour, or place of birth.

AND whereas it is expedient that slavery should cease in the said Territories as soon as sufficient time shall have elapsed for making such provisions as the change of the condition of the numerous class of persons therein, now in a state of slavery, may appear to require, BE it therefore Enacted, That all rights over any persons, by reason of such persons being in a state of Slavery, shall cease throughout the said Territories on the *Twelfth* day of *April* *One thousand eight hundred and thirty-seven*: Provided always, That it shall be lawful for the Governor General in Council to make Laws or Regulations for the extinction of Slavery, either entirely or in part, previously to the said *Twelfth* day of *April* *One thousand eight hundred and thirty-seven*, throughout the said Territories or any part of them.

Slavery to be abolished.

AND whereas the present Diocese of the Bishoprick of Calcutta is of too great an extent for the incumbent thereof to perform efficiently all the duties of the office without endangering his health and life, and it is therefore expedient to diminish the labours of the Bishop of the said Diocese, and for that purpose to make provision for assigning new limits to the Diocese of the said Bishop, and for founding and constituting two separate and distinct Bishopricks, but nevertheless the Bishops thereof to be subordinate and subject to the Bishop of Calcutta for the time being, and his Successors, as their Metropolitan, one of such Bishopricks to be for the Presidency of Fort St. George on the Coast of Coromandel, and the other of such Bishopricks for the Presidency and Island of Bombay; BE it therefore Enacted, That the Diocese of the said Bishop of Calcutta shall comprise the Presidency of Fort William in Bengal and the Presidency of Agra by this Act created; and that, in case it shall please His Majesty, to erect, found, and constitute one Bishoprick for the said Presidency of Fort St. George, and one other Bishoprick for the said Presidency and Island of Bombay, and from time to time to nominate and appoint Bishops

Respecting the inconvenient extent of Diocese of Calcutta.

If the King erects the Archdeaconries of Madras and Bombay into Bishopricks, certain salaries to be paid to the Bishops.

to such Bishopricks, under the style and title of Bishops of Madras and Bombay, respectively, there shall be paid to such Bishops, respectively, certain established Salaries (that is to say) from and out of the revenues of the said Presidency of Fort St. George, to the Bishop of Madras the sum of

by the year, at an exchange of eight shillings for the Pagoda at Madras; and from and out of the revenues of the said Presidency and Island of Bombay, to the Bishop of Bombay

by the year, at an exchange of two shillings and three-pence for the Bombay rupee.

Such salaries to commence from time of taking office, and to be in lieu of all fees, &c.

And be it Enacted, That the said Salaries shall commence from the time at which such persons as shall be appointed to the said office of Bishop shall take upon them the execution of their respective Offices, and that such Salaries shall be in lieu of all Fees of Office, Perquisites, Emoluments, or Advantages whatsoever, and that no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever shall be accepted, received, or taken by such Bishop, or either of them, in any manner, or on any account or pretence whatsoever, other than the Salaries aforesaid; and that such Bishops, respectively, shall be entitled to such Salaries, so long as they shall respectively exercise the functions of their several offices in the British Territories aforesaid.

£500 payable to each such Bishop for passage-money.

And be it Enacted, That the said Court of Directors shall, and they are hereby required to pay to the Bishops so from time to time to be appointed to the said Bishopricks of Madras and Bombay, in case they shall be resident in the United Kingdom at the time of their respective appointments, the sum of *Five hundred pounds* each, for the purpose of defraying the expenses of their equipments and voyage.

Such Bishops to have such jurisdiction, and exercise such functions only as shall be limited by Letters Patent.

Provided always and be it Enacted, That such Bishops shall not have or use any Jurisdiction, or exercise any Episcopal Functions whatsoever, either in the said territories or elsewhere, but only such jurisdiction and functions as shall or may, from time to time, be limited to them, respectively, by his Majesty, by his Royal Letters-Patent under the Great Seal of the said United Kingdom.

The King empowered by Letters-Patent to limit jurisdiction and function:

And be it Enacted, That it shall and may be lawful for His Majesty from time to time, if he shall think fit, by his Royal Letters-Patent under the Great Seal of Great Britain, to grant to such Bishops, respectively, such Ecclesiastical Jurisdiction, and the exercise of Episcopal Functions within the said Territories aforesaid, and within any other British Colonies or Settlements, as His Majesty shall think necessary for the administering Holy Ceremonies, and for the

the superintendence and good Government of the members of the Church Establishment therein.

Provided always and be it Enacted, That the Bishop of Calcutta for the time being shall be deemed and taken to be the Metropolitan Bishop in India, and as such shall have, enjoy, and exercise all such Ecclesiastical Jurisdiction and Episcopal Functions, for the purposes aforesaid, as His Majesty shall, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, think necessary to direct; subject nevertheless to the general superintendence and revision of the Archbishop of Canterbury for the time being: And that the Bishops of Madras and Bombay for the time being, respectively, shall be subject to the Bishop of Calcutta for the time being, as such Metropolitan, and shall, at the time of their respective appointments to such Bishopricks, or at the time of their respective consecrations as Bishop, take an oath of obedience to the said Bishop of Calcutta, in such manner as His Majesty, by his said Royal Letters-Patent, shall be pleased to direct.

The Bishop of Calcutta to be Metropolitan in India.

And be it Enacted, That it shall and may be lawful for His Majesty, from time to time, by his Royal Letters Patent under the Great Seal of the said United Kingdom, to repeal, alter, and vary, in such manner as to His Majesty shall seem fit, as well the Ecclesiastical Jurisdiction and Episcopal functions of the Bishop of Calcutta for the time being, whether as Bishop of that Diocese or as Metropolitan in India, as the Ecclesiastical Jurisdiction and Episcopal Functions of the said Bishops of Madras and Bombay, respectively, for the time being; and to make such rules and regulations respecting the admission by such Bishops, respectively, of persons into the holy Orders of Deacon and Priest, according to the form of ordination used in the United Church of England and Ireland, as may by His Majesty be deemed expedient and proper.

Power to the King to alter jurisdictions and functions, and to regulate admission into holy orders.

And be it Enacted, That when and as often as it shall please His Majesty to issue any Letters-Patent respecting the Bishoprick of Calcutta, Madras or Bombay, or for the nomination or appointment of any person thereto respectively, the Warrant for the Bill, in every such case, shall be countersigned by the President of the Board of Commissioners for the Affairs of India, and by no other person.

The warrants for the bills on letters-patent appointing Indian Bishops to be countersigned by the President only.

And be it Enacted, That it shall and may be lawful for His Majesty, his Heirs and Successors, by Warrant under His Royal Sign-Manual, countersigned by the Chancellor of the Exchequer for the time being, to grant to any such Bishop

The King may grant certain pensions to Bishops of Madras or Bombay.

of Madras or Bombay respectively, who shall have exercised in the British territories aforesaid for *Fifteen* years the office of such Bishop, a pension not exceeding per annum, to be paid quarterly by the said Company.

When a Bishop of Madras or Bombay dies within six months after arrival in India, such a sum payable to his representatives as will make up a year's salary.

And if he shall die after six months holding office in India, six months' salary beyond what shall be due payable to his representatives.

If an Archdeacon be appointed a Bishop, his residence as Archdeacon to be taken as a residence as a Bishop.

And if a Chaplain of the Company be appointed a Bishop, his residence as Chaplain to be taken as residence of a Bishop, in the proportion of three years to two years.

Nothing to prejudice a Chaplain's right to any benefit under present regulations, nor to affect the Company's right to repeal or alter such regulations.

And be it Enacted, That in all cases when it shall happen the said person nominated and appointed to be Bishop of either of the said Bishopricks of Madras or Bombay shall depart this life within *Six* calendar months next after the day when he shall have arrived in India for the purpose of taking upon him the office of such Bishop, there shall be payable out of the territorial revenues from which the salary of such Bishop so dying shall be payable, to the legal personal representatives of such Bishop, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such Bishop in respect of his Salary, make up the full amount of one year's Salary; and when and so often as it shall happen that any such Bishop shall depart this life, while in possession of such office, and after the expiration of *Six* calendar months from the time of his arrival in India for the purpose of taking upon him such office, then and in every such case there shall be payable out of the territorial revenues from which the Salary of the said Bishop so dying shall be payable to his legal personal representatives, over and above what may have been due to him at the time of his death, a sum equal to the full amount of the salary of such Bishop for *Six* calendar months.

Provided also and be it Enacted, That if any Archdeacon shall be appointed Bishop of either of the Dioceses of Calcutta, Madras, or Bombay, the period of his residence in India as such Archdeacon shall, for all the purposes of this Act, be accounted for and taken as a Residence as such Bishop: And if any person residing any time in the Territories as one of the Chaplains of the said Company shall be appointed to either of the said Bishopricks, and shall have resided in the said Territories as such Bishop *Seven* years, the period of residence of such person as Chaplain shall, for all the purposes of this Act, be accounted for and taken as a Residence as such Bishop, in the proportion of three years' residence as such Chaplain to two years' residence as such Bishop; Provided that nothing herein contained shall prejudice the right of any person being or having been a Chaplain of the said Company, to any benefit he may be entitled to, under or by virtue of any Regulation now in force, or hereafter to be made by the said Company or their Court of Directors, nor to prejudice or affect the Right of the said Company or their Court of Directors to make, repeal, vary,

or alter any Regulation or Regulations respecting the Chaplains of the said Company, or the Pay or Allowances, Pensions, or Retirements of such Chaplains, which the said Company or their Court of Directors may now lawfully make, repeal, vary, or alter.

And be it Enacted, That if it shall happen that either of the Bishops of Madras or Bombay shall be translated to the Bishoprick of Calcutta, the period of Residence of such person as Bishop of Madras or Bombay shall be accounted for and taken as a residence as Bishop of Calcutta.

If a Bishop of Madras or Bombay be translated to the Bishoprick of Calcutta, his residence to be taken as a Bishop of Calcutta.

Provided also and be it Enacted, That if any person under the degree of a Bishop shall be appointed to either of the Bishopricks of Calcutta, Madras, or Bombay, who at the time of such Appointment shall be resident in India, then and in such case it shall and may be lawful for the Archbishop of Canterbury, when and as he shall be required so to do by His Majesty, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, to issue a Commission under his hand and seal, to be directed to any two of the said Bishops, authorizing and charging them to perform all such requisite ceremonies for the consecration of the person so to be appointed to the degree and office of a Bishop.

If any person under the degree of a Bishop be appointed to an Indian Bishoprick, and be resident in India, the Archbishop of Canterbury may commission any two of the said Bishops to consecrate such person.

And be it Enacted, That the expenses of Visitations to be made from time to time by the said Bishops of Madras and Bombay respectively, shall be paid by the said Company out of the territorial revenues of the said respective Presidencies of Fort St. George and Bombay; Provided, That no greater sum on account of such Visitations be at any time issued, than shall from time to time be defined and settled by the Court of Directors of the said Company, with the approbation of the Commissioners for the Affairs of India.

Provision for expenses of visitations.

And be it Enacted, That no Archdeacon hereafter to be appointed for the Archdeaconry of the Presidency of Fort William in Bengal, or the Archdeaconry of the Presidency of Fort St. George, or the Archdeaconry of the Presidency and Island of Bombay, shall receive any Salary in respect of his Archdeaconry.

No Archdeacon in India to have a Salary.

AND whereas it is expedient to provide for the due qualification of persons to be employed in the civil service of the said Company in the said territories, BE it therefore Enacted, That the said Governor General of India in Council shall, as soon as may be after the day of in every year, make and transmit to the said Court of Directors a prospective estimate of the number of persons who, in the opinion of the said Governor General in Council, will be necessary, in addition to those already in India or likely

The Governor General in Council annually to make a prospective estimate of the number of vacancies in Indian establishments in the third following year.

Board may reduce estimate.

Board to certify what number of persons shall be candidates for admission to Haileybury College, and what number shall be admitted students.

Additional students to be admitted to fill up death, vacancies, &c.

The candidates for admission to be subjected to an examination and classed.

Candidates highest on the list to be admitted.

The Board to frame a plan for the constitution of the college;

to return from Europe, to supply the expected Vacancies in the Civil Establishments of the respective Governments in India in the fourth following year; and it shall be lawful for the said Board of Commissioners to reduce such estimate, so that the reasons for such reduction be given to the said Court of Directors: And in the month of _____ in every year, if the said estimate shall have been then received by the said Board, and if not, then within *One* month after such estimate shall have been received, the said Board of Commissioners shall certify to the said Court of Directors what number of persons shall be nominated as Candidates for Admission, and what number of Students shall be admitted to the College of the said Company at Haileybury, in the then current year, but so that at least four such Candidates, no one of whom shall be under the age of Seventeen or above the age of Twenty years, be nominated, and no more than one student admitted for every such expected vacancy in the said Civil Establishments, according to such Estimate or reduced Estimate as aforesaid: And it shall be lawful for the said Court of Directors to nominate such a number of Candidates for Admission to the said College as shall be mentioned in the Certificate of the said Board; and if the said Court of Directors shall not, within *One* month after the receipt of such Certificate, nominate the whole number mentioned therein, it shall be lawful for the said Board of Commissioners to nominate so many as shall be necessary to supply the deficiency.

And be it Enacted, That when and so often as any vacancy shall happen in the number of Students in the said College by death, expulsion, or resignation, it shall be lawful for the said Board of Commissioners to add in respect of every such vacancy, *One* to the number of Students to be admitted, and *Four* to the number of Candidates for admission, to be nominated by the said Court in the following year.

And be it Enacted, That the said Candidates for Admission to the said College shall be subjected to an Examination in such branches of knowledge, and by such Examiners as the said Board shall direct, and shall be classed in a list to be prepared by the Examiners; and the Candidates whose names shall stand highest in such list shall be admitted by the said Court as Students in the said College, until the number to be admitted for that year, according to the Certificate of the said Board, be supplied.

And be it further Enacted, That it shall be lawful for the said Board of Commissioners, and they are hereby required, forthwith after the *passing of this*

this Act, to form such a plan for the Constitution, and such Rules, Regulations, and Provisions for the good government of the said College, as in their judgment shall appear best adapted to secure fit Candidates for Admission into the same, and for the Examination and Qualifications of such Candidates, and of the Students of the said College after they shall have completed their residence there, and for the appointment and remuneration of proper Examiners: And such Plan, Rules, and Regulations, and Provisions respectively, shall be submitted to His Majesty in Council for his revision and approbation; and when the same shall have been so revised and approved by His Majesty in Council, the same shall not afterwards be altered or repealed, except by the said Board of Commissioners with the approbation of His Majesty in Council.

and rules for examination and qualification of candidates for admission, and students.

The King in Council to settle such plan and rules, which are then to be considered part of this Act.

And be it Enacted, That as soon as may be after the expiration of *Three* years from the admission of such Students as aforesaid, so many of the said Students as shall have a certificate from the said College of good conduct during the term of their residence therein, shall be subjected to an Examination in the studies prosecuted in the said College, and so many of the said Students as shall appear duly qualified shall be classed according to merit in a list to be prepared by the Examiners; and shall be nominated to supply the Vacancies in the Civil Establishments in India, and have seniority therein according to their priority in the said List; and if there shall be at the same time Vacancies in the Establishments of more than one of the said Presidencies, the Students on the said list shall, according to such priority, have the right of electing to which of the said Establishments they will be appointed.

After three years students to be examined and classed.

The Students to supply the vacancies in the service according to priority on the list, and to choose their Presidency.

And be it Enacted, That no appointment of any Professor or Teacher at the said College, shall be valid or effectual until the same shall have been approved by the Board of Commissioners.

Sanction of Board necessary for appointment of Professors.

And be it Enacted, That every Power, Authority, and Function, by this or any other Act or Acts given to and vested in the said Court of Directors, shall be deemed and taken to be subject to such control of the said Board of Commissioners as in this Act is mentioned, unless there shall be something in the enactments conferring such powers, authorities, or functions, inconsistent with such construction, and except as to any Patronage or right of appointing to Office vested in or reserved to the said Court.

All powers of Court of Directors to be subject to the control of the Board except Patronage.

And be it Enacted, that whenever in this Act, or in any Act hereafter to be passed, the term India Company is used, it shall be held to apply to the United Company of Merchants of England trading to the East-Indies; and that

The East-India Company may be called the India Company.

the said United Company of Merchants of England trading to the East-Indies may, in all suits, proceedings, and transactions whatsoever after the *passing of this Act*, be called by the name of the India Company.

St. Helena vested in
the Crown.

And be it Enacted, That the Island of St. Helena, and all Forts, Factories, Public Edifices, and hereditaments whatsoever in the said Island, and all stores and property thereon, fit or used for the service of the Government thereof, shall be vested in His Majesty, his Heirs and Successors; and the said Island shall be governed by such orders as His Majesty in Council shall from time to time issue in that behalf.

Commencement of
Act.

And be it Enacted, That this Act shall commence and take effect from and after the passing thereof, so far as to authorize the appointment or prospective or provisional appointment of the Governor-General of India, Governors, Members of Council, or other Officers under the provisions herein contained, and as to all other matters and things, from and after the *Twelfth* day of *April* next.

No. LXXXI.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Monday the 1st July 1833.

No.
LXXXI.

The Committee met specially by adjournment, for the purpose of considering the draft of a proposed letter to the Right Honourable Charles Grant, which submitted by the Chairman on the 28th ultimo, in reply to Mr. Grant's letters of the 24th and 27th of that month, and to the Summary which accompanied his letter of the former date.

Secret
Committee of the
Whole Court,
1 July 1833.

The same was read:

And the Committee having adverted to the Bill which was introduced into the House of Commons on the 28th instant relating to the Company and to the Government of India, and having agreed to certain alterations in the proposed letter to Mr. Grant;

The said draft of a letter as altered was approved, and

A Report to the Court, submitting the letter for their approval, was agreed to and signed.

No. LXXXII.

REPORT *from the* COMMITTEE OF THE WHOLE COURT,

Dated the 1st July 1833.

No.
LXXXII.

Your Committee having taken into consideration the letters from Mr. Grant of the 24th, 26th, and 29th ultimo, with the Summary contained in that of the 24th, submit to the Court the accompanying reply to Mr. Grant, for their approval.

Report from
Committee of
Whole Court,
1 July 1833.

H. ALEXANDER,
J. FORBES,
J. MASTERMAN,
H. SHANK,
R. JENKINS,
G. RAIKES,
J. R. CARNAC.

W. WIGRAM,
W. ASTELL,
W. S. CLARKE,
J. L. LUSHINGTON,
J. THORNHILL,
C. MILLS,
J. COTTON,

No. LXXXIII.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the*
Right Honourable CHARLES GRANT.

No.
 LXXXIII.

Letter to
 the Rt. Hon.
 Chas. Grant,
 2 July 1833.

East-India House, the 2d July 1833.

SIR :

We proceed, at the request of the Court of Directors of the East-India Company, to reply to your letters dated the 24th and 26th ultimo, together with the Summary enclosed in the former, of such of the principal provisions of the proposed Bill as relate to the construction of the Indian Governments, to the state of the law in India, to the admission of Europeans, and the condition of the Natives.

Upon the two latter points it may be sufficient to state, first, that as a considerably increased facility of access to the interior of India is to be allowed to Europeans, the Court concur in the necessity for placing them under suitable restraints, and such as shall be adequate to the protection of the Natives, without bringing the latter, whilst residing in the interior, within the process of the Supreme Court. Secondly, that any plan which may be calculated to improve the condition of the Natives, by abolishing slavery, without doing violence to the feelings of caste or to the rights of property, cannot fail to meet with the Court's cordial approbation ; and lastly, that the more extensive employment of the Natives as servants of the local Governments, is in accordance with the views which the Court have for many years expressed and acted upon.

With regard to a Commission of Enquiry, with a view to the formation of an uniform system of law, the Court, whilst they by no means object to enquiry, and whilst they must admit that uniformity of law is desirable whenever it may be practicable, must be permitted to doubt whether the British Empire in India, embracing a vast population of multiform castes and usages, has yet reached the point at which it may be possible for its foreign rulers to accomplish that desideratum of uniformity of law, which has not yet been found attainable in our own long settled and highly civilized country.

The proposals affecting the constitution of the Indian Governments appear to the Court to involve grave considerations, to which we will briefly advert.

Hitherto it has been the policy, approved, and indeed enjoined by Parliament, to maintain India in strict dependency upon Great Britain, and to unite
 efficiency

efficiency abroad with the exercise of constant and vigilant control at Home. Local Governments separately constituted, with sufficient power to the Supreme Government to enable it to provide for a general identity of system, are by law subjected to the Court and the Board; the proceedings of the several Governments are sent to this country and systematically reviewed, and the authorities in India are prohibited from creating* or increasing establishments, or incurring new charges, without the previous sanction of the Home Authorities. To quote the language of the dispatch to the Bengal Government in the Financial Department, dated the 24th September 1828, "Reference to England upon all matters of importance, involving change of principle or increase of establishments and expense of large amount, is to be the general rule by which you are to be guided, and from which you are not to depart; except in cases in which the public service obviously and urgently calls for greater promptitude of action than will consist with the delay of such a reference. This is the criterion by which your responsibility will be judged of by us, and by which you alone would be justified in acting without our previous sanction."

It is now proposed that there shall be an efficient control in the Supreme Government, and that no expense shall be incurred except by its previous sanction.

The Court submit it as their opinion, that one effect of this change must be materially to interfere with the control now exercised by the Home Government. The Governor General will have a sway almost absolute, and the Governors of the other Presidencies will be subordinate to him rather than to the Authorities in this country. And here we would take occasion to observe, in reference to the vast powers which the plan gives to the Governor General, that it would be scarcely possible always to select a person fit to be entrusted with authority of such magnitude; whilst doubts may be entertained whether gentlemen of character and distinction would be found to undertake the offices of subordinate Governors, in the altered position in which the plan would place them.

The sanction of the Supreme Government being deemed sufficient (as the plan proposes it should be) to authorize new expense, the present system, under which the Court's sanction is required before any such expense can be incurred, will be virtually abandoned.

The proceedings of the Governors as well as of the Governor General in Council, might certainly be still subjected to review at Home; though the Court, .

No.
LXXXIII.

Letter to
the Rt. Hon.
Chas. Grant,
2 July 1833.

No.
LXXXIII.

Letter to,
the Rt. Hon.
Chas. Grant,
2 July 1833.

Court doubt whether it would be possible to frame the arrangement as that, in the words of Lord William Bentinck, "it should come in aid, and not in "supersession of the Home Authorities." If, however, that be the intention, it must, we think, augment the evil of delay, already so seriously felt, and also require a great increase of labour. It will add to delay, because the references from the subordinate Governments will come to England circuitously. It will increase labour, and consequently expense, because the proceedings of the subordinates must be sent to Bengal as well as to England; and they will become much more voluminous than they now are, through the correspondence with the Supreme Government upon matters referred to it, whilst the proceedings of that Government will be loaded with the details of the Subordinates.

It further appears to the Court that the adoption of the proposal would not attain the object which it professes to have in view. It is said that the Governor General is encumbered with details from which he should be relieved, in order that he may exercise an efficient control. The Governor General in Council has now the details of the Bengal Government, including the Western Provinces, and has also a general controul over the Governments of Madras and Bombay, The proposal is to form the Western Provinces into a separate Government, the Governor General continuing to be Governor of the Lower Provinces, and to vest in him and a Council an efficient controul over the subordinate Governments. The nature of this control is not defined. To be efficient, however, it must be minute. Nothing could be worse than a *partial* control of details. There would, in that case, be no fixed responsibility, and the subordinate Governor released, as the plan suggests he should be, from the check of Council, might exercise an unbounded discretion. But if the controul be minute, how is the Governor General to get relief? He has at present the details of the Bengal Government only: by the plan proposed he would have the details of all India. Division of labour, the best means, we submit, for securing efficiency, is the present system. Consolidation of labour, to a degree quite incompatible with efficiency, would, we think, be the effect of the change contemplated in the Summary.

Another consequence of the plan seems to be, that the Governor General in Council would be resorted to in individual cases arising at the subordinate Presidencies. Persons feeling aggrieved, who now prefer their representations to the Home Government, would address themselves in the first instance to the Supreme Government; and failing in that quarter, would ultimately resort to the Authorities in this Country. There would thus be two appeals instead of one.

The

The Court are deeply sensible of the importance of checking the expenditure of the Governments of Madras and Bombay; they deem it equally important to check that of Bengal. It is, indeed, a fact which should not be overlooked in the present discussion, that the most striking instances of unauthorized expenditure, and of the creation of new establishments, are to be found in the proceedings of the Supreme Government, that Government which (with an addition to the number of Councillors) it is now wished to invest with enlarged authority, expressly to check expenditure in others. It was to the *Supreme* Government that the Court, in September 1828, addressed a severe rebuke, upon the ground that "large augmentations of the Revenue and Judicial establishments, and of the Army during peace, undertakings of public works of magnitude, ought not to have been commenced without our previous sanction."

We submit that it is competent to the Home Authorities effectually to check improper expense, and that it is only by them that the check upon the Governor General and Governors can be satisfactorily maintained; and we would remind you, that the most important reductions effected of late years in the Indian expenditure have been the result of orders from Home.

With respect to the plan for separating the upper Provinces of Bengal into a distinct Presidency, the Court are by no means insensible to the importance of providing most efficiently for the administration of affairs in the Western Provinces; but they submit that a suitable arrangement might be framed by the Board and the Court with that view, without instituting a fourth Government. The first objection which strikes the Court to the proposed plan is, the expense which it would occasion; concurring as they do with the Governor General and Sir C. Metcalfe in opinion, that augmentation of charge must result from any such arrangement. The institution of another Government will, we apprehend, sooner or later be followed by expensive establishments; and although we are not prepared to say that occasion may not arise to justify the incurring additional charge, yet we feel strongly, and we have no doubt you will concur in the sentiment, that at the present time, when even the estimates of the most sanguine calculators leave it uncertain whether the charges of existing establishments can be brought within the Territorial income of India, no measure likely to increase the burthen should be adopted, unless under circumstances of pressing necessity.

In the present case the necessity is far from being obvious; for Lord William Bentinck, in his Minute dated the 14th September 1831, pronounces the division of the Bengal Territory into two separate Governments to be unnecessary as well as inexpedient.

No.
LXXXIII.

Letter to
the Rt. Hon.
Chas. Grant,
2 July 1833.

The

No.
LXXXIII.

Letter to
the Rt. Hon.
Chas. Grant,
2 July 1833.

The proposed change is liable to the further objection, that since it would be impossible to effect a division of servants, we should have one Government without any functionaries of its own, and another Government with a double supply of functionaries. Confusion and dissatisfaction would, the Court fear, be produced by such an incongruity.

The proposal to take away the Council from the Governors of Madras and Bombay appears to the Court to be very objectionable; and their objections are not removed by the modification suggested in your letter dated the 27th ultimo, since to reserve to the Board and the Court the power of maintaining or reducing the Councillors at Madras and Bombay (unless, indeed, the concurrence of both Authorities were required), would be tantamount to an adoption of the proposal, your opinion expressed in the Summary, and reiterated in your letter, being fixed in favour of this reduction; and we would further observe, that it is not apparent how the expense of the additional Councillors in Bengal is to be provided for, consistently with the retention of the Council at the subordinate Presidency.

However subject to the control of the Supreme Government, much power must inevitably rest in the local Authority; and that power will be liable to abuse, unless checked by the association with the Governors, of persons of character and eminence in the service. The Court fully admit, that it is desirable that the restraints upon the Governor should be such as not to cripple the energy and vigour which are essential to the due discharge of his important duties; and they think that this principle is entirely preserved in the present constitution of the Indian Governments. The Governor acts ordinarily with his Council; but he has the power to act independently of them, knowing that he thereby incurs a peculiarly heavy responsibility, and that all the circumstances necessary to enable the authorities in England to exercise their judgment upon his conduct will be brought to light by the recorded Minutes of his constitutional associates.

We presume that it is intended that the Governors of the Subordinates shall continue to be appointed from home, and that generally they will be strangers to India. If there were no Councillors, a Governor must, upon his arrival, seek advice and information from Secretaries, whose responsibility as advisers of the Government is, to say the least, very indefinite, and who cannot be so fit to give advice as Councillors, who are, or ought to be, conversant with the internal working of the Government.

It further occurs to the Court, that the contemplated changes may have important effects upon the Civil and Military Services at the subordinate Presidencies.

The

The plan proposes to continue "as separate armies" those of Madras and Bombay, and yet to deprive the Commanders-in-chief of those armies of the seats in Council, which it is now the practice to allot to them. Upon this part of the subject it is not at present necessary for the Court to do more than to suggest the exercise of great caution and deliberation, before attempting a change which involves a departure from that practice.

The policy generally recommended for the Civil Service has been, that the number of the highest offices should not be diminished, but that servants should, during the early periods of their residence, labour upon comparatively small allowances, stimulated by the hope of hereafter obtaining the prizes. The reduction of the Members of Council is inconsistent with that policy.

The servants on the several Establishments are at present taught by law, as well as practice, to look to their own Governments as the authority to reward and to punish. This must cease to be the case if the new plan takes effect, for under it the Governor General will share in the patronage now exercised exclusively by the Governors of Madras and Bombay; and it is obvious that, when the Governor General shall become the supreme director of affairs at those presidencies, the officers will all look up to him instead of to their own Governor.

Before we conclude, there are two points embraced in the Summary to which the Court must particularly advert: we allude to the proposals that the laws which the Supreme Government may enact, affecting Natives and Provincial Courts, shall be subjected to the approbation of the King in Council, and that the appointment by the Court of Councillors to the Governor General shall be subjected to His Majesty's approbation.

We perceive with much satisfaction that the Bill reserves to the Court the necessary powers upon the first of these points; and we are persuaded that you will concur with us in thinking, that it would have been useless for the Court to review the conduct of the Supreme Government, in proposing or enacting laws for the internal regulation of India, if those laws were, as matter of course, and not upon appeal, to be confirmed or annulled by a paramount tribunal. And although the proposal, as it stood in the Summary, was nothing more than extending to India the practice already prevalent as regards His Majesty's Colonies abroad, yet there is obviously this great difference in the two cases, that India is governed by an intermediate body in this country, whereas the Home Government of the Colonies is in the Crown.

No.
LXXXIII.

Letter to
the Rt. Hon.
Chas. Grant,
2 July 1833.

The power which it is intended to give to the King over the appointment of Councillors appears to the Court to be opposed to the arrangement already conditionally made between His Majesty's Government and the Company, by which it has been agreed that they shall exercise "the same powers as they now possess " under their Charter;" a proviso which, in your letter dated the 27th May last, you justly interpreted as embracing a continuance of the Company's independent right to recal Governors and Military Commanders.

You have now explained, that the intention is to limit the necessity for the Royal approbation to the appointment only of the fifth Member of Council; but as no reason has been assigned by you for adding to the Supreme Government of India a Councillor not in the service of the Company, the Court, until informed of the ground of that proposal, cannot give any opinion upon the propriety of making the appointment of such additional Councillor dependent upon the approbation of the Crown.

With regard to the intention which you express of adding two Suffragan Bishops to the Ecclesiastical Establishment of India, the Court, with every deference to your opinions upon this part of the subject, according as they do with the feelings expressed by many persons of great consideration in this country, must be allowed to doubt whether the extension of episcopal functionaries be really required. They are glad, however, to find that, in the event of the adoption of that arrangement, the expense of all the Archdeacons is to cease.

The Court refrain from making any observation, at present, upon what you contemplate regarding admissions to the Civil College, further than to state they cannot consider the scheme suggested as that which will most effectually provide the means of giving good servants to the Indian empire.

Upon the subject of the constitution of their own body, it is satisfactory to the Court to learn that you have relinquished the intention of proposing a change in it. They are deliberately of opinion that the continuance of the number of members of which the Court is composed, as fixed by Charter, is essential to their independence; and they apprehend that a reduction of that number could not be effected without its being considered by the General Court of Proprietors as an infraction of the privileges which they now exercise, and which it has been arranged between His Majesty's Government and the Company shall continue.

We entirely appreciate the disposition which you have expressed to maintain unimpaired the authority and independence of the Company. Most sincerely
do

do we hope, not for their own sake but for the welfare of the great interests committed to their charge, that the pending arrangements may be so framed and completed as to accomplish that important object.

In conclusion, we are requested by the Court to assure you, that their attention will be immediately given to such of the clauses of the Bill which you have had the goodness to send to them, as have not been already discussed in our correspondence ; and we have also to state, that the Court will take an early opportunity of laying that Bill before their Constituents.

We have the honour to be,

Sir,

Your most obedient humble servants,

(Signed) C. MARJORILANKS,
W. WIGRAM.

The Right Honourable Charles Grant, M.P.

&c. &c. &c.

No.
LXXXIII.

Letter to
the Rt. Hon.
Chas. Grant,
2 July 1833.

FURTHER PAPERS

RESPECTING

THE EAST-INDIA COMPANY'S CHARTER.

1833.

L O N D O N :

PRINTED BY ORDER OF THE GENERAL COURT FOR THE INFORMATION
OF THE PROPRIETORS,

BY J. L. COX AND SON, 75, GREAT QUEEN STREET.

1833.

LIST OF PAPERS.

No.		Page
84.	Minute of a Committee of the Whole Court, held on Wednesday, the 3d July 1833.....	315
85.	Do. do. held on Tuesday, the 9th July 1833	ib.
86.	Minute of a Court of Directors, held on Tuesday, the 9th July 1833.....	316
87.	Letter to the Right Honourable Charles Grant ; dated 10th July 1833	317
88.	Paper of Observations and Suggestions on several Clauses of the East-India Bill	ib.
89.	Letter to the Right Honourable Charles Grant ; dated the 10th July 1833	328
90.	Letter from the Right Honourable Charles Grant, referred to in the Letter from the Chairman and Deputy Chairman of the 10th July 1833	332
91.	Memorandum which accompanied the Letter from the Right Honourable Charles Grant ; dated the 10th July 1833	333
92.	Letter from T. Hyde Villiers, Esq., referred to in the Letter from the Chairman and Deputy Chairman of the 10th July 1833 ; dated 18th July 1832	335

No. LXXXIV.

AT A

COMMITTEE OF THE WHOLE COURT,

Held on Wednesday, the 3d July 1833.

No.
LXXXIV.

Committee of
the Whole Court,
3 July 1833.

THE Committee proceeded to consider the Bill which has been introduced into the House of Commons, entitled, " A Bill for effecting an arrangement " with the India Company, and for the better Government of His Majesty's " Indian Territories."

The several clauses of the Bill were read ;

And the Committee having deliberated thereon, the further consideration thereof was adjourned.

No. LXXXV.

AT A

COMMITTEE OF THE WHOLE COURT,

Held on Tuesday, the 9th July 1833.

No.
LXXXV.

Committee of
the Whole Court,
9 July 1833.

THE Committee resumed the consideration of the Bill now before the House of Commons relating to the Company and the Government of India : and

The Bill having been read, clause by clause,

The Committee approved a Paper of Observations and Suggestions upon several of the Clauses, together with Draft of a Letter to the Right Honour-

able

No.
LXXXV.

Committee of
the Whole Court,
9 July 1833.

able Charles Grant, upon the proposed addition to the Episcopal Establishment of India.

The Committee likewise approved the Draft of a Letter to the Right Honourable Charles Grant, forwarding the Paper of Observations and Suggestions above-mentioned; requesting his particular attention thereto, and stating the Court's intention hereafter to submit such other remarks as may be suggested by further consideration; also expressing the wish of the Court that he would authorize the Law Officers employed by the Board in the preparation of the Bill to communicate with the Law Officers of the Company.

No. LXXXVI.

AT A

COURT OF DIRECTORS,

No.
LXXXVI.

Held on Tuesday, the 9th July 1833.

Court of Directors,
9 July 1833.

THE Chairman from the Committee of the Whole Court laid before the Court a Paper of Observations and Suggestions, which had been agreed to by the Committee, upon several of the Clauses of the East-India Bill now before the House of Commons; together with the Draft of a Letter to the Right Honourable Charles Grant, upon the proposed addition to the Episcopal Establishment of India;—whereupon

The said Paper of Observations and Draft of a Letter were read and approved:

The Chairman then submitted to the Court the Draft of another Letter to the Right Honourable Charles Grant, likewise agreed to by the Committee of the Whole Court, forwarding the Paper of Observations and Suggestions above mentioned, requesting his particular attention thereto, and stating the Court's intention hereafter to submit such other remarks as may be suggested by further consideration; also expressing the Court's wish, that he would authorize the Law Officers employed by the Board in the preparation of the Bill to communicate with the Law Officers of the Company:

And the said Draft of a Letter having been read was, on the question, approved.

No. LXXXVII.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 10th July 1833.

SIR :

No.
LXXXVII.

Letter to
the Rt. Hon.
Charles Grant,
10 July 1833

We have the honour, at the instance of the Court of Directors of the East-India Company, to transmit to you the accompanying Paper of Observations and Suggestions, which in the short time that has elapsed since the Court received the East-India Bill, have occurred to them upon some of its Clauses, and to which they request your particular attention, intending hereafter to trouble you with such other remarks as may be suggested by further consideration.

We beg leave also to express the wish of the Court, that you would be pleased, with a view to facilitate the progress of the measure, to authorize the Law Officers employed by the Board in the preparation of the Bill to communicate with the Law Officers of the Company.

We have the honour to be,

Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
WM. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No. LXXXVIII.

PAPER of OBSERVATIONS and SUGGESTIONS on several Clauses of the
East-India Bill.

No.
LXXXVIII.

Paper of
Observations and
Suggestions.

CLAUSE 1.—The Speaker's notice was dated the 22d April 1831, consequently the Company's present term expires on the 22d April 1834.

The day of the annual election of six Directors for four years falls on the

No.
LXXXVIII.

Paper of
Observations and
Suggestions.

9th April 1834; but as it is not intended to alter the constitution of the Court, there is no necessity that the day of the election should correspond with the date of the new term.

CLAUSE 2.—The words, “unless Parliament shall otherwise direct,” appear to be unnecessary, and may be construed to imply a doubt whether it be not in contemplation to revise the present arrangement previously to 1854.

CLAUSE 3.—The Court submit, that the Company should, from and after the passing of the present Act, be relieved from the operation of the 24th Geo. III, cap. 38, commonly called the Commutation Act. This will be especially necessary if the Company are to cease their trade immediately, as it might with some reason be contended, that the Company were by that Act bound this year, at the least, to make their usual purchases of Tea in China.

CLAUSE 4.—This clause very properly reserves an authority which will enable the Company to make remittances in merchandize, in the event of its being found necessary or advantageous to the Indian Government to have recourse to that mode.

CLAUSE 5.—The Court admit, that when the Commercial property shall be made over by this Act to the Territory, the Board should exercise, with respect to it, the same power which they possess with respect to Territorial matters in general, that is, a power to control acts of the Court; but the clause as it is here worded seems to pass by the Court, with whom the measures should originate, and whose agency, and that of their commercial servants, in realizing the value of merchandize, may be essentially necessary.

It is submitted, therefore, that in lieu of the words, “to superintend, direct, and control the sale of the said merchandize, stores, and effects, and to determine,” &c. might be inserted the words, “to superintend and control all acts and measures of the Court of Directors affecting the sale,” &c.

With respect to that part of the clause which authorises the Board to appoint salaried officers to assist in the winding up of the Commercial concerns, the Court, while they by no means object to the Board's having suitable assistance in the new duty to be assigned to them, would suggest that the assistance might be appropriately and most economically obtained from among

such of the Commercial servants of the Company, as will immediately become supernumerary.

This is not a case in which any apprehension need be entertained of a bias, as there can be but one object, the realization of the full amount of the property; and efficient aid is more likely to be obtained from men conversant with the working of the present system than from any other persons.

No.
LXXXVIII.

Paper of
Observations and
Suggestions.

CLAUSE 6.—The Court submit, that to this clause should be added the words, “together with such allowance to the Trustees of the Funds for the Widows and Children of the Officers and Clerks, and others of the Home Establishment, as may be necessary to enable them, under the altered system, to meet the payments provided for by existing regulations.”

The Court consider that it would be desirable to reserve to them, with the concurrence of the Board, a power to transfer any of the Commercial Servants upon the China Establishment to the Civil Service of Bengal, Madras, and Bombay, in the event of that arrangement appearing to be more desirable than granting compensation to such servants.

CLAUSE 8.—Care must be taken that the phraseology of this clause is sufficiently wide to cover all liabilities of every description, whether legal, equitable, or moral.

CLAUSE 11.—It is suggested, that the term of the notice by the Speaker should be extended to twelve or eighteen months, as many of the Proprietors may be resident beyond sea.

CLAUSE 13.—The interest upon sums unpaid on account of the Guarantee Fund after April 1834 should be computed half-yearly, and upon the unpaid interest as well as principal. The necessity for this might be obviated, by providing absolutely for the payment of the full sum of two millions on the 22d April 1834. It is also submitted upon this clause, that the Chairman and Deputy Chairman of the Company, for the time being, should be associated with the Commissioners for the Reduction of the National Debt in the management of the Guarantee Fund.

CLAUSE 14.—As this clause makes provision to secure the Dividend in the event of India failing to remit the requisite funds, it may be proper, previously
to

No.
LXXXVIII.

Paper of
Observations and
Suggestions.

to noticing what is proposed upon that point, to call the attention of the King's Government to the importance of first providing, by distinct enactment, for the remittance by India of funds to defray all Territorial charges at Home. It has always been done upon former occasions, and should not be omitted on this.

Perhaps the best plan will be to require that the Court should, with the concurrence of the Board, annually transmit to the Supreme Government an estimate of the amount that may be necessary, and that the Government should remit the same in such manner as the Court, with the approbation of the Board, should direct.

A clause somewhat to the following effect should therefore be prepared :

“ And with the view of providing for the payment of all charges incurred, “ or to be incurred, by the said Company, payable in Great Britain after the “ passing of this Act, the Court of Directors are hereby required to trans- “ mit to the Bengal Government, once in every year, a prospective estimate “ of the amount of the funds necessary to meet the expenditure in this coun- “ try; and the Bengal Government are hereby required, upon receiving such “ estimate, to provide and remit the funds specified therein, at the times and “ in the modes directed by the said Court, with the approbation of the said “ Board.”

The 14th clause will then appropriately follow; but the words, “ and they “ are hereby required,” after the word “ time,” and before the words, “ upon “ requisition,” should be inserted; and instead of the words, “ with interest “ after the rate of £3. 10s. per cent. per annum,” should be inserted the words, “ with interest after the rate at which the monies to supply the de- “ ficiency may have been raised, such interest to be made up half-yearly, and “ computed upon the arrears of interest as well as principal.”

It is further suggested, that consistently with the Resolution of the General Court of Proprietors, it should be made imperative on the Court and the Board to require the Indian Government to make good any sums taken up upon the security of the Guarantee Fund for the purpose of providing for the Dividend. This might be done by merely adding to the 14th clause the words, “ and which remittances the Court and the Board are hereby required, “ as often as the deficiency may arise, to call upon the Bengal Government to “ effect without delay.”

CLAUSe 15.—After the words, “ shall have amounted,” should be inserted, “ exclusive of sums received in reimbursement of what may have been taken up upon the credit of the said fund to meet the Dividend.”

No.
LXXXVIII.

“ Paper of
Observations and
Suggestions.

CLAUSe 16.—Specific provisions should be made in this clause for the payment by the Government to the Company, on the 22d of April 1834, of the par value of the East-India Annuities.

The latter part of this clause leaves to the Court and the Board wide powers with regard to the mode of appropriating to the use of the Territory the proceeds of the Commercial Assets.

It has been understood throughout the Correspondence, that the intention of the King's Government was to redeem Indian Debt, especially the Remittable Debt. Whilst the Court feel that some latitude should be allowed so as to enable the Home Authorities to retain a sufficient cash balance, and if it shall be found necessary or advantageous to do so, to apply the remainder of the sums in question in discharge of Home Bond Debt, or of Carnatic Debt, or of the 5 per cent. Debt in India, they cannot but think that there should be a distinct provision for the application of the monies to the payment of debt.

The Court are of course aware, that as the monies will be realized in England, they might in part be applied to the payment of the Territorial charges, so as to save India *pro tanto* the necessity of remittance. But if, when the trade is first opened, the Company either altogether, or in a great degree, stop their remittances, the difficulty hereafter of effecting them through the private-trade, as well as the embarrassment to that trade itself from a sudden demand for a very large remittance, will be greater than if the Company commenced as they were to go on.

It will be important, if possible, so to frame the financial arrangements of the Company, as that the free trade may accommodate itself to them from the first.

It has been made a great complaint against the Company, that by becoming large purchasers of goods they impede the operations of private merchants. This complaint is, in substance, that the Company are large remitters; for whether funds seeking remittance be laid out in goods or thrown upon the market as means for speculation in others, they must produce their effect upon prices, and it is of this that the merchants complain.

The

No.
LXXXVIII.

The Company cannot avoid the remittance; but they are anxious so to conduct it as to leave the least possible ground for complaint.

Paper of
Observations and
Suggestions.

CLAUSE 21.—The Court presume that the aggregate expense of the Board, exclusive of the provision in clause 5, and the necessity for which can only be temporary, is not to exceed the sum specified in the 90th section of 53d Geo. III. cap. 155.

CLAUSE 24.—The Court have strong doubts of the propriety of this enactment. Expense will attend the powers of attorney, and encouragement may be given to improper practices, at present so cautiously guarded against by the By-Laws. Besides, after the vote has been given, it may turn out that the principal was dead when his attorney voted, and the election may have been decided by such vote. Great dissatisfaction, embarrassment, and trouble, must be the result of this proviso, without, as the Court can conceive, its being attended with any countervailing benefit.

CLAUSE 25.—The Court submit it as their opinion, that no encouragement should be given to the election of gentlemen as Directors upon returning from India, until they have been at the least two years at home. It must frequently happen that such gentlemen have filled the most important offices abroad, their conduct in which it is the duty of the Home Authorities to review. A Director should not, if possible, be a judge of proceedings in which he, as a servant, participated. It is also submitted, that the words, “unless such,” be omitted, and the words “nor until” inserted in lieu thereof; and the words, “before the expiration of the said time,” at the close, omitted.

CLAUSE 26.—The Court submit, that in the event of their using the power which the clause gives, Parliament should be informed thereof; the following words might be added:—

“Provided always, that within the first fourteen sitting days after the first meeting of Parliament in every year, there shall be laid before both Houses of Parliament a statement of the particulars of all the cases in which the Court may have so instructed their Secretary, or his Deputy, to act in their behalf.”

CLAUSES 27 and 28.—Some modification is absolutely necessary in Clauses 27 and 28 as they now stand. Hitherto the communication of documents to the Board has been confined to letters, advices, or dispatches from places abroad. Under the proposed enactment, every communication, however trifling, whether addressed to the Court or to a Committee, is to be sent to the Board. Again, Clause 28 not only contains a similar proviso as to all letters from the Court or any Committee, but it enjoins that such letters shall, previously to their being sent, be laid before the Board, who, within the space of two months, shall return the same to the Court approved or altered; and the only exception is that contained in the 32d Clause, which leaves uncontrolled the Court's communications with the Officers of the Home Establishment and with the Law Advisers of the Company.

No.
LXXXVIII.

Paper of
Observations and
Suggestions.

Can it be intended, that every letter from an Officer advising his arrival on furlough, with his certificates, shall be sent to the Board?

That all letters from Servants, civil and military, either requesting leave to remain a further time or to return to India, or relating to their pay whilst in this country or on their embarkation, shall be laid before the Board, and the proposed Answers approved before sent?

It often happens, from a variety of causes of perpetual occurrence, that a civil or military Servant finds it necessary to embark within a very short notice: Is he henceforth to be liable to a delay of two months, and for what purpose? Are the Court of Directors to exercise no final authority whatever? Is the Board to be thus formed not only into a directing and controlling authority as regards India, but as regards also every individual case, of which there are thousands in the course of the year, and to possess an appellate jurisdiction?

This clause, if persevered in to the extent proposed, would reduce the Court of Directors to a mere machine, and would render it necessary that the Board should have an establishment almost as large as that of the Court, for the business will be done twice. The Court do not deny that cases may arise in their correspondence at home upon which the Board should be consulted before a decision is passed.

A regulation might be framed and agreed upon between the two authorities to effect all that is necessary, without incurring the difficulties to which the proposed provision is liable, and which are such as would clog the wheels of Government, whereby the inconvenience to the public will be incalculable.

No.
LXXXVIII.

Paper of
Observations and
Suggestions.

It should be recollected, that the Board, furnished as the Act requires with copies of all the Minutes of the Court, will possess full information of their proceedings.

Upon the latter part of this clause, which requires the Court "forthwith to send the orders, &c.," as it is meant to reserve to the Court a power of remonstrance, this provision should be made subject to that power, unless Clause 30 can be construed to include this.

CLAUSE 29.—The Court understand that it is intended to preserve unimpaired the principle, that all parties are to address them and not the Board, and that they are to continue to be vested with the duty of initiating all proceedings. If the Court fail in performing that duty, then, and not otherwise, the Board may exercise their interference. Consistently with this understanding, the Court submit that the Board's power to originate should be limited to matters which are upon the Court's records; and further, that the Board should be restrained from originating any matters involving expense.

CLAUSE 31.—The Court submit, that a clause should here be introduced, barring all pecuniary claims upon the Company after the lapse of a given number of years.

CLAUSE 33.—The necessity of re-enacting this provision is not apparent. If unnecessary it is inexpedient.

CLAUSES 34 and 35.—There is a defect in the constitution of the Secret Department which requires correction. The obligation to secrecy should apply to Members of the Board and to Servants in India, as well as to Directors and Officers.

The words, "in advising thereupon," should be introduced into the oath, between the words "employed" and "in transcribing;" and the oath should be limited to the points comprehended in Clause 35, as the levying war or making peace, or treating or negotiating, &c.

The Court observe, that in Clause 35 these words are introduced which do not occur in former enactments, "or with any other princes or states." It would be satisfactory to the Court to receive some explanation of what is intended by this alteration, and of the grounds of it.

CLAUSES 37 *et seq.*—The Court having already, in their letter of the 2d instant, explained their sentiments upon the proposed changes in the construction of the Indian Governments, will do no more upon this occasion than express their earnest hope, that His Majesty's Ministers will see the propriety of either altogether abandoning, or very materially modifying these parts of the plan.

No.
LXXXVIII.

Paper of
Observations and
Suggestions.

CLAUSE 43.—The power should be given to alter and amend, as well as to disallow.

CLAUSE 45.—The Court suggest, that equal consideration should be manifested towards the productions of India imported into the United Kingdom.

CLAUSE 50.—The Court observe with satisfaction the provision here made for communicating Laws and Regulations to Parliament, expressly for the purpose of enabling it to exercise its paramount control. The same consideration suggests, that a list of the cases in which the final orders of the Board have been opposed to the views of the Court, shall be annually laid before Parliament.

CLAUSES 52 to 54.—The Court having already expressed their views, in their letter of the 2d instant, as to the principle of this proposition, will only add, that the effect of these clauses may be, to subject India to a charge of £30,000 per annum for salaries only, whilst the contingent expenses may exceed it very considerably.

CLAUSES 55 and 56.—The Court submit, that it would be in accordance with Mr. Grant's last letter, that the existing constitution of the subordinate Governments shall still be the law, and that the power reserved to the Court and the Board should be to alter that constitution.

These clauses, by inference, first change the present system, and then allow the Court and the Board to revert to that system.

CLAUSE 58.—The Court would suggest, that instead of the words, "Governor General of India in Council," the words, "Home Authorities" should be inserted and the following added: "and in cases which may not admit of so long a delay, as would be caused by awaiting the result of a reference to

No.
LXXXVIII.

Paper of
Observations and
Suggestions.

“ the Home Authorities, the expense shall not be incurred without the sanction of the Governor General of India in Council.”

CLAUSE 63.—Members of Council appointed temporarily by the Governor General or Governors, should be selected from the Servants of the Company.

CLAUSE 75.—The Court will be glad to know, as soon as possible, the sums with which it is proposed to supply the blanks in this clause. It will, they think, be desirable that the amounts of the salaries should be specified in the several currencies of India, as now done in the case of the judges of Madras and Bombay.

Some provision should be made in this clause for the salary of the Commander-in-chief as an extraordinary Member of Council ; and it should be clearly specified when the change, if any, is to have effect with reference to the present functionaries.

CLAUSE 77.—It has hitherto been deemed of the last importance, that the local patronage of India should be vested in the local Governments, unfettered by interference on the part of the Home Authorities. The Court are satisfied that the King's Ministers have no intention to depart from this principle, and that the object of this clause is only to provide for the division of patronage consequent on the change of the constitution of the local Governments. The power, however, which the clause gives might be liable to abuse, and the necessity for such an enactment arising out of a change in the Governments, is a further strong argument against that change.

CLAUSE 81.—The application should, in the first instance, be made to the Court, their decision being liable to control by the Board.

CLAUSE 88.—Whilst the Court would cheerfully become parties to the adoption of any measure which shall have for its end the welfare and happiness of all classes of the Natives of India, they cannot express too strongly their opinion, that the greatest caution should be observed in legislating upon a question which differs in many particulars so widely from that which now engages the attention of Parliament, and which, as respects India, may involve the most serious consequences in a political point of view, if unadvisedly and hastily persevered in.

To the principle, that all persons who have been brought from their homes and placed in a foreign land in a state of slavery, and the descendants of such, should be declared free, the Court conceive that adequate compensation would be demanded and should be granted to the proprietors.

But the term "slave" may be construed to have a more extended signification, and to include domestic slaves, and also a numerdus class of labourers, by which whole districts in some parts of India are cultivated. If the intention be to declare all these persons free, there will be no end to the difficulty and confusion, nor any limit to the amount of compensation.

The case appears to be one in which, above almost all others, a wide discretion should vest in the local Government, and it is therefore submitted, that the clause should run thus after the words enacted: "that it shall be lawful for the Governor-General in Council, if they shall think fit, to make laws and regulations for the ultimate extinction of slavery, due regard being had to the usages, civil and religious, of the Natives, to the authority of fathers and members of families, and to the rights of private property."

CLAUSS 89.—With regard to the enactments which relate to the Ecclesiastical Establishment, a separate letter is addressed to the President of the Board of Commissioners.

CLAUSS 104 *et seq.*—The Court entirely agree, that the number of appointments should be controlled by the Board not exercising the patronage, without interference by the Court, who are to exercise it.

With respect to the mode of providing the servants required, the question which presents itself to the Court is, whether the College at Haileybury should be continued; and the Court have no hesitation in submitting it as their opinion, in reference to the general diffusion throughout the country of the means of liberal education, including the Oriental languages, as regards both European and Oriental instruction, and to the disadvantage which results from confining the associations of youth destined for foreign service to companions all having the like destination, that it is both unnecessary and inexpedient any longer to maintain this institution, and that the great expense which it now occasions might at once be saved.

The Court feel very strongly the importance of providing adequately for the qualification of persons appointed to the Civil Service in India, and they have not the least doubt that a system of public examination sufficiently high
might

No.
LXXXVIII.

Paper of.
Observations and
Suggestions.

might be provided, to ensure the accomplishment of that indispensable object.

The adoption of this course will render all the clauses from 104 to 109 inclusive (with the exception of the first part of Clause 104) unnecessary; and the Court would submit, that the only provision needed will be one that shall authorize and require the Court, with the sanction of the Board, to frame Regulations for the future supply of the Civil Service in India.

CLAUSE 111.—The Court cannot discover upon what principle, or with what propriety, the Company are to change the title of “*East-India Company*,” and to be called “*India Company*.”

This remark applies equally to the term used in the Preamble.

CLAUSE 112.—It will be necessary also to provide for the transfer of all the Servants now on the St. Helena Establishment, and for the charge to the Crown of the whole expense from the date of the transfer.

No. LXXXIX.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the Right Honourable* CHARLES GRANT.

East-India House, 10th July 1833.

No.
LXXXIX.

Letter to
the Rt. Hon.
Charles Grant,
10 July 1833.

SIR :

Observing that in the East-India Bill clauses have been introduced to give effect to the proposals for an enlargement of the Episcopal Establishment in India, which you transmitted to the Court on the 12th of June 1832, the Court think it right now to place before you their remarks upon those proposals; and which they would have done long since, but for the intimation conveyed in the late Mr. Villiers' Letter, dated the 18th of July last, that it had been deemed expedient to postpone the consideration of the question.

The nature of your proposition, and the high authority under which it is recommended, are such as to have ensured for it the Court's most respectful attention.

The

The principle upon which a Christian Church in India, at the expense of the Natives, has been instituted, is, that it is the duty of Government to provide for its Civil and Military Functionaries the means and services of their religion. This important principle the Court are sincerely desirous should be maintained, as they are convinced that it is a legitimate appropriation of the Indian revenues, to employ them to such an extent as may be absolutely necessary, upon an establishment calculated to inculcate upon the European Agents of the Company the doctrines and the precepts of the Christian Religion, and to confer upon them and their families its inestimable privileges and benefits.

But the Court's conviction is, at the same time, strong and sincere, that both practice and policy demand that the expense to the Natives of India of a Church Establishment, with which they have no community of feeling, should be limited to what is essential for the use of the Servants of the State who are members of that Church.

The Court are free to confess, that their anxiety upon this point has been excited by the observation contained in the Board's Memorandum, that "in addition to the Chaplains appointed by the East-India Company, twenty-eight Missionaries who have received Episcopal ordination are now established at various stations on the continent of India and in the island of Ceylon, and all these Clergymen are subject to the jurisdiction of the Bishop of Calcutta."

By Missionaries we understand persons residing in India with a view to convert the Natives to the Christian faith. This is undoubtedly an object most deeply interesting to the civilized world, but it is one for which it cannot be right to tax the Natives; and whilst the Court will yield to no one in anxious desire that the blessings of Christianity may be embraced universally by our Native subjects, they are deliberately convinced that the attainment of that important object, instead of being advanced, would be greatly retarded by any identification of the work of missions with the Government of the Country.

The only practical question then which presents itself to the Court is, whether the state of the Protestant Christian population, servants of the Government, be such as to call for any extension of the Episcopal Establishment; or in other words, whether the work for a Bishop, limiting his duties to the members of the church to which he belongs, be really more than one man can efficiently discharge.

No.
LXXXIX.

Letter to
the Rt. Hon.
Charles Grant,
10 July 1833.

To

No.
LXXXIX.

Letter to
the Rt. Hon.
Charles Grant,
30 July 1833.

To this question it may perhaps be sufficient to reply, that although the Europeans in India have never shewn any backwardness in pointing out deficiency of means of spiritual instructions, although at this moment the Court have before them not only a correspondence between Bishop Turner and the Bengal Government relative to the Ecclesiastical Establishment in general, but also an urgent request from Bombay for more Chaplains, not a wish has been expressed by either of the local Governments in their official communications that more than one Bishop should be appointed; and it has not been the practice, nor would it seem to be proper, that establishments should be augmented without distinct proof of necessity. This consideration led the Court only last year to decline to entertain a proposal submitted to them by the General Assembly of the Church of Scotland, for an increase in the number of Chaplains of that communion in India. You will remember that the Scotch Ecclesiastical Establishment was introduced immediately after the erection of the see of Calcutta. If the Episcopal Establishment is now to be extended, the Court fear that it will be impossible to resist the extension of the Scotch Establishment.

The Court deeply lament the mortality which has taken place since the institution of the Episcopal see of Calcutta, but they are by no means prepared to attribute it to the excessive duties of the office. The death of Bishop James is not ascribed to that cause; and with respect to the other distinguished prelates the facts stand upon record, that Dr. Middleton fell a sacrifice to a *coup de soleil* to which he unnecessarily exposed himself; that the immediate cause of Dr. Heber's death was an improvident use of the cold bath; and that Dr. Turner was in a declining state of health when he was appointed. Travelling in India, whether by sea or land, is an important means for preserving and restoring health, particularly in cases where, as in that of the Bishop, the time and season of visitation are at his own choice.

We are quite ready to admit, that some inconvenience may have arisen from the want of a Bishop during the periods when the office has been vacant, since the Archdeacon who acts as *locum tenens* cannot ordain or confirm. But we believe that the power of ordination has hitherto been very rarely exercised; and with respect to confirmation, are there not many parts of this country in which that rite is not locally accessible for one or two years? besides which, most of the children of Europeans in India are in England at the age when confirmation usually takes place.

The Court are not aware that the extension of the Indian territory since

1814 has been of such a character as materially to add to the labours of the Bishop. His jurisdiction, indeed, was extended in 1817, to Ceylon, we believe at the instance of Bishop Middleton, and without, so far as we are aware, the least intimation that he had already too much to do. In 1824 the jurisdiction was further extended to New South Wales and Van Dieman's Land; and if we are not mistaken, an idea has more recently been entertained of bringing within its limits the Cape of Good Hope and the Mauritius.

If, through any of these circumstances, the duties of the Bishop have become too burthensome, we submit, that the means of relief should be provided by the colonies in question, and not by the people of India.

And here, Sir, the Court must call your attention to the striking fact, that the charge to India of the Ecclesiastical Establishment has been augmented since the institution of the see of Calcutta from £48,000 to more than £100,000 per annum, and that the clerical part of the pension list has been increased from £800 per annum to £5,000 per annum.

The Court therefore cannot contemplate the creation of two more sees without apprehension of financial consequence. We recognize, indeed, in your proposal, great anxiety to limit the expense; but we fear that it will be found impossible to maintain the limitation when the offices are created, and when the Bishop of Calcutta shall have become a Metropolitan.

The Court, notwithstanding these considerations, would be very unwilling to place themselves upon such a question in opposition to the wishes of the King's Government, of the Lord Primate of England, and of the respectable societies who have urged the proposed addition: but the Court trust that enough has been stated, at least to induce all parties to pause, before they press the adoption of measures involving a certain, and possibly an unlimited addition to the financial burthens of India.

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No.
LXXXIX.

Letter to
the Rt. Hon.
Charles Grant.
10 July 1893.

No. XC.

LETTER from the Right Honourable CHARLES GRANT referred to in the Letter from the CHAIRMAN and DEPUTY CHAIRMAN of the 10th July 1833.

No.
XC.

India Board, 12th June 1832.

GENTLEMEN :

Letter from
the Rt. Hon.
Charles Grant,
12 June 1832.

My attention having been recently called to the state of the Episcopal Church in India, I feel it my duty to address you on that important subject,

You are aware that several religious Societies connected with the Church of England have repeatedly expressed an opinion, common to them with a large portion of the public, that the intentions of the Legislature in erecting an Episcopal See for India, cannot be fulfilled unless some provision be made for relieving the Bishop of Calcutta of a portion of the duties which experience has proved to have been too onerous for a single individual. This fact has recently been pressed upon my notice in a manner which renders it impossible for me to refrain from exerting my best endeavours to devise the means of supplying the obvious defect in the Ecclesiastical Establishment of India as at present constituted.

The enclosed Memorandum will explain to you the nature and extent of the alterations which, after mature consideration and consultation with the Lord Primate of all England, appear to be indispensable, in order to give the Episcopal Church in the East real efficiency.

I have to request that you will have the goodness to bring this subject before the Court of Directors, who will, I trust, recognize the expediency, not to say the absolute necessity, of the proposed arrangement, and will enable me to state to His Majesty's Government their concurrence in its adoption.

I have the honour to be,

Gentlemen,

Your most obedient humble servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. XCI.

MEMORANDUM *which accompanied the LETTER from the Right Honourable CHARLES GRANT, dated the 12th June 1832.*

No.
XCI.

Subsequently to the death of Bishop Heber, representations have been addressed to successive Presidents of the India Board, by the Society for Promoting Christian Knowledge, by the Society for Promulgating the Gospel in Foreign Parts, and by the Church Missionary Society, pointing out the necessity of enlarging the Ecclesiastical Establishment in the East.

Memorandum by
the Rt. Hon.
Charles Grant,
12 June 1832.

At the last meeting of the Society for Promoting Christian Knowledge, held on the 13th December 1831, the Archbishop of Canterbury presided, and at the request of the Society, His Grace presented to the President of the India Board, and also to the First Lord of the Treasury, a copy of the Resolutions passed at that Meeting.

It appears to have been the unanimous opinion of the several Societies above-mentioned, that no individual, however endowed with bodily and mental vigour, can be sufficient for the exertions rendered necessary by the overwhelming magnitude of the diocese of Calcutta.

A visitation of that diocese cannot, it is stated, be accomplished without traversing the whole of India, and undertaking long voyages by sea, nor consequently, without a greater exposure to perilous varieties of climate than is required of any civil officer in the East. So great indeed is the difficulty of this duty, that Bishop Middleton, although his life was spared for nine years, died before he could complete the inspection of his diocese, and Bishop Heber sunk under the labour of his primary visitation; Bishop James held the see for seven months only; and Bishop Turner, who is now succeeded by Bishop Wilson, died at the end of a year and seven months from the date of his arrival in India.

There is reason to believe that Bishops Middleton, Heber, and Turner, oppressed by the overwhelming duties of their responsible situation, successively sacrificed their lives in the performance of those duties.

In the course of about ten years, nearly six will have been years of vacancy, reckoning the time that must elapse before Bishop Wilson can reach Calcutta.

Exclusively of considerations of humanity, it is obvious that whatever benefits are derivable from episcopal jurisdiction, have thus been lost to India during more than half of the period of time that has elapsed since the death of Bishop Middleton.

No.
XCI.

Memorandum by
the Rt. Hon.
Charles Grant,
12 June 1832.

In addition to the Chaplains appointed by the East-India Company twenty-eight missionaries who have received episcopal ordination, are now established at various stations on the Continent of India, and in the Island of Ceylon, and all these clergymen are subject to the jurisdiction of the Bishop of Calcutta.

The duties of the Bishop, however, are to be measured by a reference, not merely to the number of his clergy, but also to several other circumstances, which, while they increase the necessity, tend also to enhance the difficulty of that vigilant superintendence which it is in every country incumbent on the supreme ecclesiastical authority to exercise. It is not only that the internal, or if we may so term it, the municipal discipline and economy of the Church are to be guarded and regulated, but it is that the Church in India is by its very position involved in peculiar and ever varying relations with the vast Hindoo and Mahometan population by which it is surrounded, or more properly intersected, in every direction. How much of additional responsibility is thus thrown on the Bishop it is unnecessary to remark.

The Commissioners for the Affairs of India, although deeply sensible of the inadequacy of the present Ecclesiastical Establishment to fulfil the intentions of the Legislature in creating the see of Calcutta, have hitherto been restrained by considerations founded upon a knowledge of the financial difficulties of the East-India Company, from entertaining any proposition respecting the Church in India, which would involve additional expense. They, however, are decidedly of opinion that it is now imperative upon them to suggest some arrangement for relieving the Bishop of Calcutta of a portion of the duties which have proved so fatal to his predecessors.

The President has been honoured with some conferences on this subject with the Archbishop of Canterbury, and it is satisfactory to find that so desirable an object may be effected without increasing the number of ecclesiastical functionaries, or adding materially to the expense of the establishment.

It is proposed that the Archdeaconries of Madras and Bombay be abolished, and that in lieu of them a Suffragan or Assistant Bishop be appointed for each of those Presidencies on a salary exceeding only by £500 that of the Archdeacon, which is £2,000 per annum. To assist the Suffragan Bishops in the performance of the duties which belong to the office of Archdeacon, it is proposed, that the senior chaplain at Madras and at Bombay be respectively made commissaries, with an allowance of £200 or £250 per annum, in addition to their salaries as chaplains.

There

There being at present a vacancy in the Archdeaconry of Bombay, the Suffragan Bishop for that Presidency can obtain consecration in England. His Majesty may be enabled to issue a mandate to the Archbishop of Canterbury authorizing His Grace to empower two Bishops to consecrate a third Bishop in India, by which means the necessity of recalling the Archdeacon of Madras to this country will be avoided; and this power of consecration will also provide for any future case in which His Majesty may be pleased to appoint a person already in India to fill a vacant Bishopric.

It is further proposed that Suffragan Bishops proceeding in that capacity from this country to India, be allowed £500 for outfit. The allowance for that purpose to the Bishop of Calcutta is £1,200.

The Suffragan or Auxiliary Bishops will be able to perform all episcopal functions within their respective dioceses, which will be commensurate with the extent of the subordinate Presidencies of Madras and Bombay. By this arrangement the Bishop of Calcutta will be relieved from the necessity of undertaking journeys and voyages, at the peril of his life, for the purpose of the consecration of churches and burial-grounds, of the ordination of ministers, and of confirmation; these duties, evidently of the highest importance, must, under present circumstances, remain to a great degree unperformed.

By this arrangement also a considerable saving of expenses attending distant visitations will arise, which saving may perhaps go far towards defraying the additional salaries above stated.

An appeal will lie to the Metropolitan at Calcutta from the decisions of his Suffragans, who are to be in all respects subordinate to his jurisdiction.

No. XCII.

LETTER from T. HYDE VILLIERS, Esq., referred to in the Letter from the CHAIRMAN and DEPUTY CHAIRMAN of the 10th July, 1833.

India Board, 18th July 1832.

SIR :

With reference to Mr. Grant's letter of the 12th ultimo to the Chairman and Deputy Chairman, respecting the state of the Ecclesiastical Establishment in India, I am directed by the Commissioners for the Affairs of India to acquaint

No.
XCI.

Memorandum by
the Rt. Hon.
Charles Grant,
12 June 1832.

No.
XCII.

Letter from
T. Hyde Villiers,
Esq.,
18 July 1832.

No.
XCII.

Letter from
T. Hyde Villiers,
Esq.,
18 July 1832.

acquaint you, for the information of the Court of Directors, that it has been deemed expedient to defer till a future opportunity the further consideration of the arrangement suggested in that letter.

I am, Sir,

Your most obedient humble servant,

(Signed) T. HYDE VILLIERS.

Peter Auber, Esq.
&c. &c. &c.

FURTHER PAPERS

RESPECTING

THE EAST-INDIA COMPANY'S CHARTER.

1833.

L O N D O N :

PRINTED BY ORDER OF THE GENERAL COURT FOR THE INFORMATION
OF THE PROPRIETORS,

BY J. L. COX AND SON, 75, GREAT QUEEN STREET.

1833.

LIST OF PAPERS.

No.		
93.	Minute of a Secret Court of Directors, held on Wednesday, the 5th June 1833 ...	337
94.	Ditto.....Secret Committee of the Whole Court, held on Wednesday, the 5th June 1833.....	<i>ib.</i>
95.	Ditto.....Ditto..... held on Wednesday, the 12th June 1833	338
96.	Ditto.....Secret Court of Directors, held on Wednesday, the 12th June 1833...	<i>ib.</i>
97.	Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated the 12th June 1833	339
98.	Minute of a Court of Directors, held on Wednesday, the 5th July 1833	340
99.	Dissent by Henry St. George Tucker, Esq., dated 2d July 1833	<i>ib.</i>
100.	Dissent by Richard Jenkins, Esq., dated the 5th July 1833	353
101.	Minute of a Court of Directors, held on Tuesday, the 9th July 1833	364
102.	Letter from the Committee of Commanders and Officers in the Company's Maritime Service to the Honourable the Court of Directors of the East-India Company, dated 9th July 1833	364
103.	Minute of a Committee of the Whole Court, held on Tuesday, the 9th July 1833	365
104.	Ditto.....Ditto.....held on Wednesday, the 10th July 1833	366
105.	Ditto.....Court of Directors, held on Wednesday, the 10th July 1833	<i>ib.</i>
106.	Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated the 10th July 1833	367
107.	Minute of a Committee of Correspondence, held on Wednesday, the 10th July 1833	<i>ib.</i>
108.	Ditto.....Court of Directors, held on Wednesday, the 10th July 1833	368
109.	Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated the 11th July 1833	369
110.	Minute of a Court of Directors, held on Wednesday, the 17th July 1833	<i>ib.</i>

No.	Page
111. Letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, dated the 13th July 1833	371
112. Letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, dated the 13th July 1833	372
113. Letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, dated 13th July 1833	373
114. Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated the 17th July 1833	374
115. Minute of a Committee of the Whole Court, held on Friday, the 19th July 1833	375
116. Ditto.....Court of Directors, held on Friday, the 19th July 1833	376
117. Dissents by William Wigram, Esq. (Deputy Chairman), and William Astell, Esq., dated the 19th July 1833	377
118. Paragraphs for China, dated the 23d July 1833, referred to in No. 116.....	379
119. Paragraphs for Bengal, dated the 23d July 1833, referred to in No. 116.....	381
120. Minute of a Court of Directors, held on Tuesday, the 23d July 1833.....	382
121. Ditto.....Committee of the Whole Court, held on Tuesday, the 23d July 1833 ..	ib.
122. Ditto.....Court of Directors, held on Tuesday, the 23d July 1833	383
123. Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated 23d July 1833	384
124. Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated the 23d July 1833	385
125. Dissent by Richard Jenkins, Esq., dated the 23d July 1833	386

No. XCIII.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 5th June 1833.

The Court resolved itself into a Committee of the Whole Court for the purpose of considering the Draft of a Letter which the Chairman stated it was his intention to submit to the Right Honourable Charles Grant, on the subject of the commercial contracts and engagements into which, following usual practice, the Company would enter previously to April next.

No. XCIII.

Secret Court,
5 June 1833.

No. XCIV.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Wednesday, the 5th June 1833.

The Chairman submitted the Draft of a proposed Letter to the Right Honourable Charles Grant, inviting the particular attention of His Majesty's Ministers to the predicament in which the Company, by the present peculiar posture of their affairs, are placed, with regard to commercial contracts and engagements into which, following usual practice, they would enter previously to April next, and soliciting a communication of the opinions and wishes of His Majesty's Ministers upon the question, whether the Company should decline to enter into any fresh commercial contracts, or should continue to make them until April 1834.

No. XCIV.

Secret Committee
of the Whole Court.
5 June 1833.

The said Draft of a Letter was read, and the further consideration thereof adjourned.

No. XCV.

AT A

SECRET COMMITTEE OF THE WHOLE COURT,

Held on Wednesday, the 12th June 1833.

No. XCV.

Secret Committee
of the Whole Court,
12 June 1833.

The Draft of a proposed Letter to the Right Honourable Charles Grant, respecting the commercial contracts and engagements of the Company, which was submitted by the Chairman on the 5th instant, was read and approved.

No. XCVI.

AT A

SECRET COURT OF DIRECTORS,

Held on Wednesday, the 12th June 1833.

No. XCVI.

Secret Court,
12 June 1833.

The Chairman submitted the Draft of a Letter to the Right Honourable Charles Grant, which had been agreed to in the Committee of the Whole Court, inviting the particular attention of His Majesty's Ministers to the predicament in which the Company are placed, with regard to commercial contracts and engagements into which, following usual practice, they would enter previously to April next, and soliciting a communication of the opinions and wishes of His Majesty's Ministers upon the question, whether the Company should decline to enter into any fresh commercial contracts, or should continue to make them until April 1834; whereupon

The said Draft of a Letter was read, and, on the question, approved.

No. XC VII.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the*
Right Honourable CHARLES GRANT.

East-India House, 12th June 1833.

SIR :

We are requested by the Court of Directors of the East-India Company to invite your particular attention, and that of the rest of His Majesty's Ministers, to the situation in which the Company, by the present peculiar state of their affairs, are placed, with regard to commercial contracts and engagements into which, following usual practice, they would enter previously to April next.

We allude to contracts with manufacturers in England for the supply of cloths for the China market; to contracts for the delivery in India of silk and other articles for exportation to Europe, and of cotton for exportation to China; and to contracts with the Tea merchants in China, for the usual supply of Tea for the London market.

If, previously to the Public's taking place of the Company in the trade, the Company decline to enter into their usual engagements, it may be apprehended that manufacturers will fall into distress, natives of India be thrown out of employ, and the markets abroad greatly deranged: but, upon the other hand, if the Company pursue their usual course, the difficulty of speedily closing their commercial concerns may be increased, and the impediments to the early operation of a free trade with China, which the Company's large stock of tea on hand presents, be aggravated.

In these peculiar circumstances, the Court feel that it is their duty to seek a communication of the opinions and wishes of His Majesty's Ministers upon the question, whether the Company should decline to enter into any fresh commercial contracts, or should continue to make them.

We have only to add, that the Court feel no other interest in the decision of this question, than that which arises from consideration towards individuals and the Public, and from a sincere desire that, in the event of the adoption of the Government plan with regard to the Company, no fresh difficulty should be opposed to its operation.

We have the honour to be, &c.

(Signed) C. MARJORIBANKS,

W. WIGRAM. &c.

The Right Honourable Charles Grant,

&c. &c. &c.

No. XC VII.

Letter to
 the Right. Hon.
 Charles Grant,
 12 June 1833.

No. XCVIII.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 5th July 1833.

No. XCVIII.

—
Court of
Directors,
5 July 1833.

HENRY ST. GEORGE TUCKER, Esq.

and

RICHARD JENKINS, Esq.

Members of the Court, severally delivered in their Dissents from the Court's Resolution of the 1st instant, approving the Draft of a Letter to the Right Honourable Charles Grant, in reply to his letters of the 24th and 26th ultimo, which relate to the summary of the principal provisions of the proposed Bill respecting the Company's Charter; which Dissents were read.

No. XCIX.

DISSENT *by* HENRY ST. GEORGE TUCKER, Esq.

No. XCIX.

—
Mr. Tucker's
Dissent,
2 July 1833.

I concur very generally in the opinions expressed in the Draft of the Letter to Mr. Grant proposed by the Chairs; but as, upon particular points, my views differ from those adopted by my colleagues, I think it necessary to offer some explanations: and indeed, on an occasion of such deep interest to us, it appears to me desirable that the Members of the Court should record their individual sentiments. I must premise some remarks, by way of apology for not taking that comprehensive view of the questions at issue which their importance demands.

It was only on Tuesday last that the President of the Board of Commissioners for the Affairs of India was pleased, for the first time, to favour the Court with a Summary of the provisions intended to be introduced into the Bill for the future administration of British India. But even this Summary
does

does not profess to convey full information with respect to the Bill in question : it relates chiefly to the organization of the Governments abroad, and we are still ignorant of the nature and extent of any intended changes in the constitution of the Home Authorities.

The Court had also laid before it, for the first time, the Minutes of the Governor-General of India and of the Members of the Supreme Government on questions relating to the future organization of the local Governments. These documents were recorded and transmitted to England in 1830 and 1831 ; and why they have been so long withheld from the Court it is not easy to discover. The questions which they embrace are of such importance, that our time could not have been more usefully employed than in weighing the opinions, and in examining the projects, which have been brought under discussion. Circumstanced as we are, we must now make up our minds, after such reflection as a few days or hours may enable us to bestow upon questions which the ablest and boldest statesman would scarcely approach without some degree of hesitation. I acknowledge my own incompetency to pronounce confidently upon the projected changes ; and although, upon particular points, my opinions have been long formed, I could have wished to have had time and opportunity allowed me to consult higher authority, and to obtain for those opinions the sanction of wiser men.

The propositions of the Indian Minister appear to me to involve an entire change in the frame and constitution of the Indian Government, and I cannot contemplate such a change without serious misgivings.

To the proposition of Mr. Grant for the formation of a fourth Presidency I have not the smallest objection : on the contrary, the Board of Commissioners of which I was a member, in their report to the Supreme Government of the 18th April 1808, were induced to recommend " that a more efficient authority be established in the Ceded and Conquered Provinces ;" and the grounds for this recommendation, far from being weakened, have acquired force from the extension of our territory and connections, and from the unsettled state of our Western Provinces and the adjoining country of Oude.

I consider the imperial city of *Agra* to be particularly well adapted for the seat of the new Government. Situated on the Jumna, it has, to some extent, the advantage of river navigation ; it has a fortress for the protection of our treasure and archives ; it is sufficiently near to Delhi, to Bharratpore, Gwalior, Rajpootana, and other points which must always be observed with care and vigilance ; and it is not only centrally placed with reference to the territory
likely.

No. XCIX.

Mr. Tucker's
Dissent.
2 July 1832.

No. XCIX.

Mr. Tucker's
Dissent,
2 July 1833.

likely to be assigned to the new Presidency, but it occupies an intermediate and convenient station between Calcutta and Bombay: it is also near the principal stations of the Bengal army, Muttra, Meerut, &c.

But upon the constitution of this and the other subordinate Presidencies I differ widely from the views entertained by the President of the Board, whose proposition goes to degrade them into mere lieutenantancies, stripped of a Council and deprived of all independent authority, the supreme Government being invested, to use the words of Mr. Grant, with "a *precedent* and " *preventive*, in place of a *subsequent* and *corrective* control." What functions of government are these lieutenants intended to exercise? We are told that they are to have a Council of "*Secretaries*;" but are these ministerial officers to deliberate and vote under a direct responsibility? And are they to be remunerated with salaries equal to those which have hitherto been received by the Members of Government? If so, there is only a change of *name*, and the executive duties of the Secretary will soon, no doubt, be consigned to some inferior officer. If they are not to be deliberative and responsible functionaries, in what situation will not the Government be placed? Some man of rank will be appointed Governor or Lieutenant Governor who has never seen any thing of India, who is unacquainted with the languages, manners, and feelings of the people, and who must depend upon the advice of an irresponsible Secretary for conducting all the affairs of his Government. The Members of Council are not only qualified in general, by their knowledge and experience, to give wholesome advice to the new Governor, but they are a constant check upon him, and by recording their minutes, when a difference of opinion occurs, the Home Authorities are enabled to form a more correct judgment on the merits of every case which may be brought under their notice.

I see no objection to the Supreme Government being invested with a general power of restraint on the public expenditure at the subordinate Presidencies; and it may be useful that the Regulations framed at those Presidencies should be submitted for sanction to the superior authority, in order that *uniformity in the general principles of legislation* may be preserved: but I am by no means of opinion, that legislation should vest entirely and exclusively in the Supreme Government. It appears to me that laws should be adapted to the state of the particular society, and the local administration must certainly be best qualified to judge of the wants of the community over which it presides. Absolute uniformity in legislation is neither necessary nor desirable, nor per-

haps

haps practicable. Nothing can be more dissimilar than the character and habits of different classes of the population of India, and no assumption could be more fallacious, than that the same laws would answer equally well for them all. The natives of Bengal Proper bear no resemblance to the inhabitants of Upper Hindostan; and although I cannot speak from the same personal knowledge, I have reason to believe that the Mahrattas of the Deccan, and the Nairs, Mopilas, and other inhabitants of the Peninsula, are distinguished in a remarkable manner from both. Why is it that the Regulations of 1795 for Benares have been found more suitable and easy of execution than other parts of our code? Simply because the Benares Regulations were drafted on the spot, upon an accurate knowledge of the condition and wants of the particular society. I contend then, that the power of legislation should be continued in the subordinate Governments, although I do not object to their being required to submit their Regulations for revision and for the ultimate sanction of the Supreme Authority in India.

I am of opinion that the seat of the Supreme Government should be fixed in Calcutta, and I could assign many reasons for this opinion, in opposition to that of Lord William Bentinck (who prefers "Allahabad,") if the question were still open for consideration. The provinces, from Benares* eastward, including Arracan and the settlements on the coast of Tenasserim, would constitute, I think, the proper limits of the superior Presidency; and as these provinces have, with the exception of our late acquisitions from the Burmese, been long settled, the superintendence of their internal affairs would not impose upon the Supreme Government any very onerous duties, or interfere materially with the exercise of a general control over the other Presidencies. The chief functions of the Governor General in Council will, no doubt, be legislative and political, with a general superintendence; but it appears to me by no means advisable to divest the Supreme Government of the immediate management of a particular territory. This sort of abstraction would separate it too much from the people, and remove it too far from the sphere of their internal concerns. One great evil incidental to our rule is, that the Governors of India can rarely become acquainted with the people over whom they are placed.

The

No. XCIX.

Mr. Tucker's
Dissent,
2 July 1833.

* There would be a convenience in this division on financial considerations. The Furrukabad rupee is the currency of the Upper Provinces, from Benares westward; the Calcutta sicca rupee alone circulates in the Lower Provinces east of Benares.

No. XCIX.

Mr. Tucker's
Dissent.
2 July 1833.

The projected change in the construction of the Supreme Government appears to me to call for the most serious consideration.

It is to be composed of *seven* Members instead of *four*, the present number, and the Councillors are to be appointed "by the Court, *with the approbation of the King*," instead of being selected, as at present, by the Court, without any interference on the part of His Majesty's Ministers.

For the proposed addition of three Members I can perceive no sufficient reason, even if no objection occurred on the ground of expense. With one hand we take away the Councillors from the subordinate Presidencies, and with the other add (unnecessarily, as I think) to the apparatus of the Supreme Government.

If it be intended to take the three additional Councillors from the service of the Subordinate Presidencies, we shall remove them from the spot where their knowledge and experience are likely to be most useful, and we shall bring them to a quarter where they will find a different state of things, and where even the languages which they have acquired will not enable them to communicate with the people.

If it be proposed, by means of this extended apparatus, to carry on in Calcutta all the details of administration, from Cape Comorin to the Himalaya mountains, and from the borders of China to the Indus, then, I say, the project is visionary and impracticable. The machine will be overloaded and will not move, the responsibility will be divided between the Supreme Government and its Lieutenants. The latter, divested of all independent authority, must dwindle into insignificance; or if, when differences occur, an appeal is to be made to the Home Authorities, the decision in the last resort must either weaken the influence of the controlling power, or become altogether nugatory. The plan, in truth, appears to me to place the Supreme Government in the position which the Home Authorities at present occupy; but as it is not intended, I presume, to withdraw their superintendence, an intermediate process of revision will have been superadded; and if it be required that the Subordinate Governments should send home their proceedings, and that the Superior Government should also transmit its correspondence, containing the revision of those proceedings, the public business will be increased in a degree likely to produce the greatest embarrassment.

I am quite aware that much of the good which has been done in India has been effected by the local Government, and much ought at all times to be left to its discretion; but I cannot think that the check of the Home Authorities

ties is without its use, or that it can ever be safely dispensed with. I would strengthen the political power of the Supreme Government to the utmost ; nor can it well be armed with an authority too absolute over Europeans resorting to India : but I cannot perceive any necessity for withdrawing from the Subordinate Presidencies the free and independent exercise of all the administrative functions of Government, whether revenue, judicial, military, commercial, or even legislative.

I apprehend, however, that in adding three Members to the Supreme Council, it may be proposed to introduce some of the Judges of the King's Courts or political partisans from this country, or perhaps some eminent Native of India. Such projects have been contemplated, and have been advocated by particular individuals ; but I consider them to be open to the most formidable objections. As, however, they have not yet been put forth in any tangible shape, I shall reserve myself until they be officially announced in a manner which may enable me to deal with them.

But I must observe upon the proposal to subject the appointment of "Councillors to the approbation of the King," or, in other words, to transfer the patronage to His Majesty's Ministers. The best security which we possess at present for good government in India, depends upon the judicious exercise of the power to select from the service at large the Members of Council at the different Presidencies. We do not exercise the same independent power in appointing the Governors of India : His Majesty's Ministers must, for obvious reasons, be parties to such appointments. These high functionaries have generally been political characters of distinction connected with the administration, and they must possess the confidence of the National Government ; but the Court of Directors are better acquainted with the merits and pretensions of their own servants, and it is of importance that the whole service should look up to them for protection and advancement. The high station of a Member of Council is looked to as the reward of distinguished service, and it operates as the great stimulus to exertion ; but if His Majesty's Ministers be allowed to appoint their own partisans, or individuals not connected with the service, this fair and legitimate object of ambition is at once removed, and those motives and feelings which have heretofore produced such devotion to the public service will necessarily be weakened if not extinguished.

The proposal to extend the legislative powers of the Supreme Government so far as to embrace objects connected with His Majesty's Courts, appears to me most salutary and expedient. It cannot, I presume, be intended to em-

No. XCIX.

Mr. Tucker's
Dissent,
2 July 1833.

No. XCIX.

Mr. Tucker's
Dissent,
2 July 1833.

power the local Government to legislate in contravention of the laws of England, but it is quite necessary to render British subjects amenable to the jurisdiction of the courts within which they may choose to reside; and although it could never be proposed to apply to them the Hindoo or Mahomedan law, they cannot justly complain of being restrained by regulations which, with a view to the public good, may place in abeyance for a time the rights and privileges which they might enjoy in their own country. The local Governments cannot, I think, be too strongly armed with a repressive power over Europeans, and it is extremely desirable, also, that the Governor General in Council should be empowered to regulate and circumscribe the jurisdiction of the King's Courts. These Courts have exercised a useful function in overawing Europeans, and in protecting the natives against their violence and extortion: and had their powers been confined to this most important object, they would have proved a blessing to the country; but they have stretched their jurisdiction beyond all bounds, and they have become the source of evil to the Natives, far more grievous, I fear, than that which they were intended to repress. I do not, however, possess that professional knowledge which might qualify me to point out the best means of effectuating the necessary reform in the constitution of the King's Courts in India; nor have we yet a clear view of the intentions of the Indian Minister on the subject.

I cannot perceive the advantage of legislating in this country for the abolition of slavery in India;* for if it be necessary or expedient to make so great a change in the state of society in that country, it can be done most safely by the local legislature. Domestic slavery exists in Bengal; but the slave or bondman is in reality a *servant*, who sometimes occupies a station of trust, and even of influence. Abyssinian slaves have at different times been introduced in small numbers in Arab ships, and they are much prized by the more opulent Mahomedans; but the existence of slavery may be traced chiefly to those famines with which India has unhappily been visited. The parent, during these seasons of distress, is willing to part with his child for food, to prolong the existence of both, and the child becomes domesticated in the family of the purchaser. The Natives are not severe masters; but although

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* Mr. Grant's words are: "Slavery, after a specified period, to be abolished." By the Bill which has just been received the abolition takes place *absolutely* in April 1837, and no provision is made for indemnification.

we see little of what passes in their household, and although cases of maltreatment of the slave have, in the course of my own experience, been judicially established, I consider it an act of justice to the people to express my belief that such instances are rare, and that when they do occur, they are not likely to obtain impunity under our existing laws. Predial slavery exists on the Malabar coast, and in some other parts of the country with which I am not sufficiently acquainted to be enabled to pronounce upon its effects. But we must not forget, that slavery is expressly recognized and regulated by the Mahomedan law;* that it has been long tolerated by our Government, and that it has existed in India from time immemorial. Considering, then, that we have by the most formal enactments guaranteed to our native subjects their laws, usages, properties, and rights, we surely ought to pause before we proceed peremptorily to supersede a state of things which the people may regard as part of the compact subsisting between them and their rulers. If it be intended only to allow the slave to claim manumission whenever maltreatment can be established, the natives would, I think, submit to such an enactment;† for they will have little reason to apprehend that the slave will often avail himself of the means of obtaining his freedom. If, on the other hand, slavery is to be denounced and authoritatively put an end to, a great change will be produced in the state of society, the feelings of the people will be highly excited, and our Government will be considered to act in a very unjust and arbitrary manner. Who, let me ask, is to be charged with the care and maintenance of the infant slave, or of those who are old and infirm and incapable of work? And in other cases, where the services of the slave are of value, is it proposed to grant a *pecuniary indemnification* to the master? If not, on what principle do we proceed in forcibly depriving a Mahomedan of that which he has acquired and held under the sanction of his law and his

No. XCIN.

Mr. Tucker's
 'Dissent,'
 2 July 1833.

* See Hamilton's "Hedaya." The various questions relating to slavery are treated at great length in that work. Slavery is also recognized by the Hindu law. Menu says, ch. 8. sec. 415, "There are servants of seven sorts: one made captive under a standard or in battle; one maintained in consideration of service; one born of a female slave in the house; one sold; or given, or inherited from ancestors; and one enslaved by way of punishment on his inability to pay a large fine."

† Even an enactment to this effect must, however, be framed with great caution and delicacy. An Afghan would proceed to the most desperate extremities if an attempt were made to violate his *Zunana* by releasing a female slave. Are we prepared, moreover, forcibly to emancipate the slaves of our *Soubadars* and other native officers, and without an indemnification?

No. XCIX.

Mr. Tucker's
Dissent,
2 July 1833.

his religion? It cannot be urged, I imagine, that the slave in India enjoys no civil rights, or that he is excluded from the protection of the law, or that his condition, physical or moral, is worse than that of our infant manufacturers or our paupers, upon whom neither the loom nor the land can bestow more than a bare subsistence. If it were wise to legislate upon theoretical evils, it is still unsafe to frame laws in this country for the people of India, without knowing how far they will harmonize with the feelings, habits, and usages of those for whose benefit they are intended, and whose hostility may render them inoperative. If slavery, as existing in India, be attended with real evil either to the individual or to the community, it will be quite competent to the local legislature to apply the appropriate remedy; but I strongly deprecate the idea of any premature declaration by Parliament requiring its peremptory abolition. Such an enactment may be very grateful to the feelings of the philanthropist, and may produce a momentary popularity; but let us not legislate in ignorance, and let us have some regard for the feelings and the interests of the people who are expected to obey our laws.

On the proposition to grant Europeans a general permission to hold lands in India I have already recorded my sentiments, in a Dissent bearing date the 13th July 1829, to which I must beg to refer, observing only that my opinions on this subject remain unaltered. The lands to be held on lease are, it appears, to be treated as "chattels," which houses and grounds possessed by Europeans at the different Presidencies are now, I believe, declared to be by law; but although this provision may facilitate the sale and conveyance of such tenures, the location of Europeans generally upon the lands of India must tend gradually to the supersession of the native landholders, and may lead ultimately to consequences affecting the peace of the country and the stability of our dominion.

I doubt the necessity or expediency of appointing a Commission to enquire into the administration of the existing Laws, with a view to the introduction of greater uniformity in our Judicial system. I have already observed, that there is a great diversity in the habits, usages, and religious tenets of our native subjects in different parts of the country; and although uniformity in the general principles of legislation is highly desirable, it appears to me neither wise nor practicable to apply the same rules and regulations indiscriminately to all classes of our people. The local Governments ought to be most competent to judge of their wants, and of the nature of the laws which will be most suitable to them. The expense of the proposed Commission, would constitute

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a very great objection to it, and I am not without apprehension that it is intended to commit the enquiry to English lawyers. Now to this project I have a decided objection. The natives of India, although abundantly acute, ought to have a plain, simple, intelligible code, divested as much as possible of technicalities; and our object should be, to keep as closely as possible to their ancient usages, to which they have been long familiarised, and to which they are attached. Our Acts of Parliament are so encumbered with a peculiar phraseology,* that they are scarcely intelligible to any but professional men; and even lawyers of the greatest eminence† are found frequently to differ in their construction of them. We attempted too much, I fear, in the Code of 1793, to imitate the cumbrous and perplexed language of our statutes; and we introduced forms, after the same model, which have the effect of swelling our proceedings, of creating difficulty and delay, and of subjecting all litigants to a heavy expense. It may also be apprehended that advantage is taken of our formal processes, our subtle distinctions and ingenious refinements and devices, to shelter fraud and to cover corrupt evidence; and it cannot be doubted that the Natives who have been most in the habit of frequenting the King's Courts, are among the most worthless of the community. English lawyers repair to India at too late a period of life to acquire a general and correct knowledge of the languages; and the consequence is, that they rarely become intimately acquainted with the people. Even the illustrious Sir William Jones, all accomplished as he was as an Oriental scholar, never acquired the vernacular tongue (the Hindoostani), and he was compelled to use an interpreter to communicate with the people through the medium of the Persian or Shanscrit, the one a foreign, the other a dead language.‡ These observations may appear out of place; but while I admit that precision in language is highly essential in all legislative enactments, and while I also freely acknowledge that English lawyers usually receive a more finished education than our own servants, and that they possess a more extensive and accurate knowledge of those great principles which

No. XCIX.

Mr. Tucker's
Dissent,
2 July 1833.

* I have had a slight acquaintance with three of the languages of India, and I should say that it is scarcely possible to translate the barbarous jargon of our statutes into a language which would be intelligible to the natives of that country.

† Contrast, for instance, the opinions delivered in the Hyderabad case by Lord Lyndhurst, Mr. Justice Bosanquet, and the late Lord Gifford, with those subsequently submitted to the House of Lords by the Twelve Judges.

‡ I speak from personal knowledge, as I had the honour of being "Clerk" to Sir William, an honour to which, at this day, I look back with pride.

No. XCIX.

Mr. Tucker's
Dissent,
2 July 1833

which form the basis of all good laws, yet I must strongly and earnestly deprecate the introduction of English law among our native subjects, in supercession of their own laws, usages, and institutions. Scotland, although so long and so closely connected with us, has retained its own laws and institutions, which it would not willingly exchange for our judicial machinery. We, as Englishmen, may have an impression in favour of the superiority and perfection of our own laws (to which, nevertheless, no wise or good man ever willingly appeals); but the King's Courts in India are unquestionably to the Natives in the interior the objects of terror and aversion.

The letter to Mr. Grant insists strongly on the expense which will attend the establishment of a fourth Government at *Agra*; but I wish that we had urged this objection more forcibly in bar to the appointment of a Law Commission, and to the addition of three new Members to the Supreme Government, at an expense of 3,00,000 rupees or £30,000 per annum. The one appears to me to be necessary, the other to be uncalled for and objectionable.

Mr. Grant seems to think that, by striking off the Council at the Subordinate Presidencies, the dispatch of public business will be facilitated; but is it likely then to be promoted by increasing the Members of the Superior Government? These functionaries do not divide the business among them: they read the correspondence, deliberate, scrutinise each other's opinions, and write minutes: but is it not apparent that this process for arriving at a decision may be embarrassed and impeded by increasing the number of the deliberating body? I am aware that the argument against the proposed increase may be used in *favour of reducing the number of our own Court*, but that question stands upon different and very peculiar grounds.

I have taken a cursory review of the public establishments in our Western Provinces, and I am disposed to think that the new Presidency of *Agra* may be formed without any material addition to the public expenditure. Some of the Political Residencies in the neighbourhood will become less necessary, and the charge may be saved altogether or be greatly reduced. The same number of servants which compose the Bengal Civil Establishment will be ample for both Presidencies, and the division may be effected, not only without difficulty or inconvenience, but with great advantage. At present the public servants are liable to be removed from the southern extremity of Bengal to the remote districts of Hindoostan, a distance of twelve or fifteen hundred miles; and after having acquired experience in one part of the country, the course of promotion may translate them to another with which they are wholly unacquainted.

quainted. The Bengal language scarcely extends as far as the eastern border of Bahar, and is absolutely useless in the Western Provinces; and there is not a greater difference between the Italian and the native of Holland, than exists between the Bengallee and the martial race of Upper Hindoostan. It is not desirable that both should be ruled in the same manner, and by the same instruments; and I have observed that our civilians who have been much employed in one part of our territory, find themselves greatly at a loss when removed to stations where the people, the service, and the language are all very different.

I venture to submit the following sketch of the salaries and establishment which would, I think, be suitable and sufficient for the proposed Government of Agra; and it appears to me that the expense may, in part at least, be provided for by reductions in other quarters.

Salary of Governor	Rs. 1,00,000
Do. of two Councillors, at Rs. 60,000 each	1,20,000
Secretary	36,000
Two Assistant Secretaries	36,000
Clerks and inferior officers	50,000
Houses, office charges, and contingencies	50,000

Per Annum, Rupces 3,92,000

I will not venture to offer an opinion on the Military branch of the question, which will be much better treated by my professional colleagues; but I concur in the remark of Lord Dalhousie, that a Commander-in-chief should be stationed with his army: and I may add, from an official attendance of ten or twelve years on the Supreme Council, that the services of that officer are not required to aid in conducting the civil business of the Government.

I regret very much that it should be thought necessary to add two Suffragan Bishops to our Ecclesiastical Establishment, while their flock is so small and the clergy to be superintended so limited. I am no proper judge of the duties of a Prelate, or of the extent of his correspondence; but I do know that the evils of the climate, and the difficulty, fatigue, and inconvenience of travelling in India, have been sadly exaggerated.

I am not quite sure that I understand Mr. Grant's intentions with respect to the mode of nominating to the Civil Service. If it be proposed that each Director in turn should nominate four candidates, from whom the one found

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No. XCIX.

Mr. Tucker's
Dissent,
2 July 1833.

No. XCIX.

Mr. Tucker's
Dissent,
2 July 1833.

best qualified on examination is to be selected and sent to Haileybury, the intention (which is, I presume, to open competition) may be easily defeated. If the four are to be educated for the particular service, while only one can enter it, no prudent parent will incur a heavy expense, misapply the time of his child in acquiring that which will be of no use in any other profession, and subject that child to the discredit of being ultimately rejected, when the chances of success will be so much against him. It would be better at once to raise the standard or test on the first preliminary examination, and to reject peremptorily all those who may not reach it; but let me observe here, that there is a disposition to attach too much importance to talent and literary attainments. No person can place a higher value on education than I do, and no person can more highly appreciate talents; but some of the best educated of our service, from the absence of regular habits, have been found amongst its least efficient members. Moral conduct, diligence, application to business, steadiness, temper, prudence, and firmness of purpose in pursuing an upright course, are of far more consequence to the Natives of India, and of more real use to the public service, than the possession of genius of the highest order. We have work of various kinds and qualities for our servants, some requiring a finer instrument, and some to which a coarser is sufficiently well adapted; and in so large a body, a fair proportion of the former will generally be found to supply the public exigencies. We cannot impose too strict a test on moral conduct in a service which is exposed to such temptation, but we may exclude worthy and excellent members by aiming at too high a standard of perfection.

I have brought together these hasty remarks with little time for reflection and arrangement; but as some of the questions have been long familiar to my mind, it has appeared to me that I should be wanting in duty to the Court, to the Board, and to my Constituents, if I did not submit them, as I now respectfully do, to their consideration.

(Signed) H. ST. G. TUCKER.

East-India House,
2d July 1833.

No. C.

DISSENT *by* RICHARD JENKINS, Esq.

The letter to the President of the Board of Control, which passed the Court on Monday last, contains an answer to that gentleman's letters of the 24th and 26th instant, the former enclosing a Summary of such of the principal provisions of the proposed Bill as relate to the construction of the Indian Governments, to the state of the law in India, to the admission of Europeans into that country, and to the condition of the Natives.

Concurring, as I do, in the general views and sentiments contained in that letter, yet seeing reason to differ from some parts of it, and to regret in others certain omissions on subjects in my judgment of great importance, I deem it my duty to record the following dissent. In the course of it, I shall take the liberty of offering my own individual impressions on the subject-matter of our recent correspondence, hoping that in some things I may be able to forward a more correct and practical consideration than seems to me to prevail on the whole question.

In the outset I must express my individual sense of the undue position in which this Court is placed, in consequence of the documents recently printed having been so long withholden from them, and of the disjointed, and as I may term it, *ex post facto* mode in which they have been called upon to deliberate upon the important changes in the Indian administration, which the Indian Minister has apparently grounded upon them.

Under such circumstances, instead of yielding to them, and allowing ourselves to be drawn into a discussion upon the imperfect materials before us, whilst we had the Bill itself upon our table, I could have wished that the present letter had not been sent. Instead of it I should have preferred addressing a remonstrance to the President, in the first instance, against proceeding with the matters developed in the Summary during the present session; and instead of leaving certain parts of them open to future arrangement between the Board and the Court, to render discussion between the two Authorities *precedent*, and not *subsequent* to the indication of any opinion, on the part of the Legislature, that any change in the local administration of India was desirable. This course not having been adopted, I proceed to consider the question as it stood before we had the Bill before us.

No. C.

Mr Jenkins'
Dissent.
5 July 1833.

No. C.

Mr. Jenkins'
Dissent,
5 July 1833.

The provisions of the Bill, as given in the Summary, involve very important changes in the constitution of the Government of India, and in the respective powers of the Supreme and Local Authorities, directed to the removal of certain inconveniences, real or supposed, in the existing system. We have, then, to consider whether all the changes proposed are necessary to obviate those inconveniences; whether a less degree of change would not be sufficient for the purpose; and whether evils of greater magnitude may not be expected to take the place of those which now beset us.

One of the evils which it is the aim of these changes to remedy is, the inadequacy of the Supreme Government to all the duties imposed upon it of a local and a general nature; the consequence being, that both classes of duties are imperfectly performed. In other words, the Bengal Presidency is considered to be worse governed than it might be, and the subordinate Presidencies left too much to themselves in matters of legislation, military arrangements, and expenditure.

To remedy the evil as it affects Bengal, it is proposed to divide it into two distinct Presidencies; one to be called the Presidency of Agra, the other that of Bengal. The details of the arrangement are no farther given, than that the Governor General is to be Governor of Bengal; Agra to be under a separate Governor without a Council.

This division of the Bengal Presidency has been long ago suggested by persons of high name, talent, and local knowledge; it is now backed by the recommendation of several great authorities in India. It is an obvious mode of lightening the labours of the Governor General, of ensuring a better government to both sections of the country, and of giving to the inhabitants of Upper Hindostan, in particular, an administration suited to their peculiar habits and institutions; an advantage of which they have been hitherto deprived, owing to the distance of the ruling authority, and to mismanagement arising from that and other causes. Of the probable expense of the change, we are told by Mr. Bayley that it may be seven or eight lacs of rupees per annum; which for real improvement, if it should so turn out, would, I agree with that gentleman and with Lord William Bentinck, be no great price to pay.

On the other hand, great weight ought to be attached to Lord William Bentinck's opinion of its inexpediency, for the various reasons which he assigns in his Minute recently laid before the Court of Directors; and indeed, as the President's plan provides that the civil and military services are to remain undivided,

undivided, though applicable to the administration of both Presidencies, I think it more a question of the transposition of public establishments than of the creation of a new Presidency.

Lord William Bentinck proposes Allahabad as the seat of the Supreme Government. In opposition to this opinion, though with great deference to so high an authority, I must consider Calcutta as the proper seat of a supreme authority emanating from a maritime power like Great Britain, and looking to her for support and for orders by sea. It is also, surely, a more convenient position from which to superintend and assist the other Presidencies and distant dependencies to the eastward, whilst the Ganges affords the same facility for communication with the great points of military and political danger in the north and west. The seat, too, of the Supreme Government ought to be in the most unassailable position, and that which would be the reserve point in extremity: such is Calcutta.

Allowing, at the same time, that Hindoostan is the scene of many of the most important transactions, revenue, military, and political, and that the working point, if it may be so called, of the Governor General ought, as it is at present, to be there during certain periods of the year, it should still, I think, be directly a branch of his administration as Governor in Council of Bengal and Agra. Nevertheless, I should see considerable advantage in having a Lieutenant Governor or Resident in charge of the Upper Provinces, on the footing of Mr. Elphinstone when Chief Commissioner in the Deekan.

With regard to the powers of the Supreme Government, I am happy to observe that the President does not propose to deprive it of local materials to employ its activity upon; but though agreeing with Lord William Bentinck in this respect, rather than with his Lordship's Colleagues and the Finance Committee, the President still intended to vest in that Government the direct rule of the empire, or in the words of the Summary, "a more defined and efficient control over the others, and that it shall, for this purpose, have a *precedent and preventive*, in place of a *subsequent and corrective* control. No laws to be passed, and no expense to be incurred by the other Presidencies, without the previous sanction of the Supreme Government, subject, as to laws, to the approbation of the Crown."

With regard to laws being passed, as the Bill contemplates no Council at Subordinate Presidencies, I should have presumed that this circumstance alone would have indicated the deprivation of legislative powers. However, in this respect, and in matters involving large expenditure not previously sanctioned

No. C:

Mr. Jenkins
Dissent,
5 July 1833.

No. C.

Mr. Jenkins'
Dissent,
5 July 1833.

by the Court of Directors, I am inclined to admit the advantage of a defined obligation on the part of the Subordinate Governments, to *obey the orders* of the Supreme Government; but I cannot join in the opinion, that such control should be otherwise exercised in general than in the enforcement or suspension of orders from home, for otherwise either the Home Authorities would be superseded, or their means of control rendered so unsatisfactory and remote in point of time, as to be nugatory.

I do not quite concur in the arguments used by the Court against vesting the Governor General in Council with the power of controlling the expenditure of the Subordinate Presidencies founded upon the past extravagance of that authority. The President's new Supreme Government is to be formed on a different principle, of defined responsibility for the acts of the Local Governments as well as its own. I perfectly agree, however, that the check from home on improper expense, whether of the Supreme or Local Governments, to be efficient must be applied directly and separately, as at present.

In matters of war and politics it is essential, in my opinion, that all local authority should be concentrated in the hands of the Supreme Government. I confess I am not aware of any great evils that have arisen from any want of control in the Supreme over the Subordinate Governments in these or other respects; and if any have arisen, *the existing law** does not seem to have been in fault, as it confers upon the Governor General in Council ample authority for interference in every conceivable case. The policy hitherto pursued, however, has been, to have *one controlling power* for emergencies, but separate authorities for *ordinary circumstances*; and being satisfied that this is the true system of administration for a country of such vast extent, and so distant from the paramount state as India is, I should be sorry to see it materially infringed.

The maintenance, especially, of the principle of having a high and generally independent authority in every great division of the country, I consider to be indispensable for the just protection of all classes of our subjects, as well as for the due preservation of the dignity and power of the nation in the remotest parts of the empire. It is not less essential for the respectability and due treatment of our civil and military services, the maintenance of their present distinctive characters, useful for keeping up a spirit of emulation, variety of talent and views, and I must add, as to the army, for ensuring a due attention

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* 33-Geo. III. cap. 52, sec. 40, 41, 44, 64.

to the national habits and usages of the troops, as well as a separation of interests and feelings, sufficient to prevent excitement becoming general or dangerous.

And here I cannot but refer to Mr. Elphinstone's opinion on the subject, in his letter to Mr. Hyde Villiers (given in the Political Appendix to the Report from the Select Committee of the House of Commons on East-India Affairs), as containing, in my judgment, *sound and practical* views, which, I am sorry, have not been allowed more weight in framing the Bill than has apparently been granted to them.

Again, the patronage of the chief appointments ought, I presume, to go with the responsibility which it is proposed to vest in the Governor-General. This, besides being a dangerous addition to the power and influence of that functionary, would go so much farther to deprive the *local Governors* of the consideration due to their station in the public esteem, as added to the proposed submission of the local armies to the authority of the Commander-in-chief in India, himself only subject to the orders of the Supreme Government, would tend to make those situations no longer objects of ambition to men of high rank and character.

Much, then, I must repeat, as I think it necessary to have a strong Supreme Government absolute, in times of danger, over every part of India, I yet cannot concur in giving powers for ordinary times, so great as it is proposed to give, to any one individual or select body. These powers would be efficient, in my opinion, in so vast an empire, for nothing but evil, whether they created an absolute dictatorship in the Governor General, by placing him above all control from this country, or at any rate able to render it nugatory, from being himself the sole reporter of his acts; or whether his power should be found on experience to be merely nominal, whilst the Local Governments being relieved from home control and that of local Councils, were left virtually unchecked, though subject to all the degradation, in the eyes of the communities over which they preside, of being stripped of the high prerogatives which their predecessors had wielded.

• Whether, also, the Governors were servile or contumacious, whether they were deprived of all public spirit and zeal by feeling their dependence on the good-will of their subordinate functionaries appointed by the Governor General, and on that of the persons named to the proposed Supreme Council, formed, as I presume it would be, of Members from each Presidency who would have the ear of their great chief; or whether, on the other hand, they

No. C.

Mr. Jenkins'
Dissent,
5 July 1833

courted •

No. 1.

Mr. Jenkins'
Dissent.
5 July 1833.

courted their superior's favour, by lending themselves to *jobs* for the benefit of their mutual friends, and to other compliances for private instead of public ends, I can see nothing in the plan but public danger and discredit. Under such a concentration of power in the Governor General, we might expect to see the practice of the Moghul times again established, when the real Governor remained at court to swell the pomp of the Emperor's train, at the expense of the subject provinces, at once a hostage for his own fidelity and the payment of his revenue, and for the fidelity and good conduct of his lieutenant, who carried on the government in his name.

The picture I have above drawn may appear to be overcharged, and I may be accused of inconsistency, in speculating at one time on the great powers given to the Governor General, and on the consequent eclipse of the Local Governments, at another on the inefficiency of the former and the unchecked authority of the latter. My meaning is, that if the Governor General could efficiently exercise the powers intended to be vested in him, he would be above all control from this country; if he could not, India would be a prey to all the evils of misgovernment. The Governor General would have the responsibility without the power, and the Local Governors, vested with irresponsible power without credit for good measures, and able to shift the blame of their bad ones on the paramount authority, might be expected to run into all the vices incident to such a position; whilst the Governor General, sensible of the false position in which he would find himself placed, might be led into situations derogatory to his high station, in order to keep up the semblance of his power, or really yield to the temptations which would beset him, from the absence of those checks which have hitherto been deemed essential in the system of Indian administration.

But it is further proposed to have no local Councils, "because the *Supreme Government will be strengthened.*" This may appear to leave the Governors *locally* more respectable though *more* strongly checked, in *theory* at least, from a distance. I must, however, think that even the *form* of administration by a Governor in Council is not a matter of indifference to keep the Government well with a European community, which will be likely to receive with jealousy and dislike the orders of a nominally powerless, but really absolute functionary. But more especially unless the plan contemplates appointing to the Local Governments none but men of local knowledge and experience, a Council is, in my opinion, indispensable, as well for enlightening the Governor as for arranging the public business for him; and to enable the Governor General

to exercise his control usefully and efficiently, it must be desirable to have the aid of the *opinions* of independent Members of the Government, appointed from home, rather than the *voices* of Secretaries, likely to be biassed for or against the measures of the Governor, as their appointments might depend upon him or their common superior.

In answer to that part of the President's letter of the 27th June, in which he intimates his consent that the question, whether the Subordinate Governments shall or shall not have Councils, shall by the Bill be reserved for the future and deliberate decision of the Court and the Board, still, however, stating his opinion, that under the changes proposed, the functions of the Subordinate Governments will be performed not less satisfactorily, and certainly more economically, by a Governor acting singly than by a Governor in Council. It is stated: "to reserve to the Board and the Court the power of reducing the Councillors at Madras and Bombay (unless indeed the concurrence of both authorities be required) will, we submit, be tantamount to an adoption of the proposal, since your opinion expressed in the Summary, and reiterated in your last letter, is fixed in favour of the reduction." I objected, and still object to this passage in the letter, as liable to the imputation of a want of that courtesy towards the President of the Board, which I am sure it is the desire of the Court always to preserve, and as containing an argument which, if followed up, would leave it to be inferred, that the Court is placed, and has always been placed in a position, as one of the co-ordinate Members of the Home Government, rendering it utterly dependent upon the Board, which I deny it to be, either *in law or fact*.

But it appears to me, and I put it, though unsuccessfully, to the Committee, that we ought to have taken higher ground, and suggested to the President that in a matter of imperial policy, such as the constitution of the Government of India, the final decision on the subject ought to be reserved to the Legislature; and considering the late period at which this and other proposed changes have been brought forward, as well as that the necessity for such changes was not pressing, that they ought to form the ground of a separate Bill, allowing the other great questions of the trade, the political administration of India as far as relates to the Home Authorities, and the terms of the compromise, to be settled this session.

I cannot agree with those who think that the *immediate* settlement of every question connected with the Indian Government, abroad as well as at home, is to be considered an indispensable condition of our being able to recommend,

No. C.

Mr. Jenkins'
Dissent,
5 July 1833.

No. C.

Mr. Jenkins'
Dissent,
5 July 1833.

or not, to the Proprietors to give effect to the plan, or that the compromise, of which the basis has been accepted, would be violated by future changes which may become necessary, or be thought by the Legislature to be necessary for the good administration of the empire, however inconsistent with the form of Government now fixed. I have my opinions very strongly, as to the impolicy and danger of the changes contemplated; but if, after full and mature deliberation, the Legislature shall decide upon sanctioning them, I should bow with submission to its wisdom, and rely with confidence on the Company's interests being protected from any bad effects that might thence arise to India.

If the Local Councils are continued, as I trust they will be, I should rather prefer having no separate Supreme Council, either for legislation or administration. Where legislation, as in matters affecting Europeans and the authority of the King's Courts, might demand the agency of the highest authority, the Council of Bengal, aided by the Judges of the Supreme Court and those of the Sudder or the Chiefs of each, might act *pro hac vice* as a Supreme Legislative Council to the Governor General, also for other questions in which the solemnity of an order or declaration by the Governor General in Council would be proper. I am, however, at enmity with the principle of general legislation in the view of attempting uniformity in a code for the Natives of the different parts of India. The evils indeed complained of in the management of the Western Provinces of the Bengal Presidency, and of those of Madras, have in a considerable degree arisen from this attempt.

The Natives of the several Presidencies of India are, I conceive, as different in manners, usages, and feelings, in languages and institutions, as the inhabitants of the different kingdoms of Europe, and by leaving the powers of legislation, as at present, in the Local Governments, we do more justice to them, than we can possibly do by a generalizing system. On this subject I feel, *more strongly than is expressed in the Court's letter*, the impolicy of even *endeavouring* to eradicate the national distinctions existing between the Natives of our different Presidencies, and which, besides contributing to the happiness and well-being of the people themselves, are one *main ingredient* of our *strength*. If we could accomplish that uniformity in the laws so much talked of, which can only be operative through a similar uniformity in the manners and modes of thinking of all classes of our Indian subjects, we should not keep the country for a day. Moreover, I verily believe that, under our
Regulation

Regulations as they now exist, but liable to be progressively amended according to the growing wants and wishes of the people, which must always be best known to the Local Governments and their officers, the Natives of India enjoy a system of protection for person and property, their rights, their religion, and even their prejudices, better suited to them, and less incumbered with technicalities and expenses, than the inhabitants of any part of the known world.

At the same time, there has been no want of attention on the part of the Indian Governments to maintain uniformity in the general spirit of the laws not affecting peculiar feelings or prejudices, and in the proceedings of the Courts and their officers in the administration of them. Those Governments have only *been backward in attempting to force improvements*. Some of those now proposed to be made subjects for legislation, I humbly think, might be more properly enforced on functionaries, as the *spirit* in which they ought to govern than as legal enactments. I allude to the admission of Natives to offices of trust and emolument, which is already acted upon; the abolition of distinctions from colour, religion, or birth, and eventually of slavery. The enactment of the two former provisions, it seems to me, would produce injury rather than benefit, by raising to the character of legal rights what should only be moral pretensions, allowable according to circumstances, on which the Local Governments alone can safely decide. I go *much further* than is expressed in the letter, in *pronouncing the latter provision*, however desirable the end to which it points, to be most *dangerous*, in the actual state of society in India, with reference to that branch of the national institutions; and, in fact, there is nothing in the situation of slaves in that country, which approaches at all to that of the same class in the West Indies.

In the exercise of the political and controlling powers of the Governor General, I should consider a Council rather a burthen than an assistance to him, placed as he must frequently be at a distance from it. He should, however, be assisted by Secretaries acquainted with the various interests he has to superintend, but to whose opinions he should only be bound to give the weight he might think due; and his responsibility should be absolute and personal, except where he might think proper to consult his Council of Bengal, or that of any Presidency at which he should happen to be residing.

The power proposed to be vested in the Governor General in Council to make laws relating to all persons, and binding to a certain extent on the Supreme Court, at first view would seem very desirable. Bound, however, as

No C.

Mr. Jenkins
Dissent.
5 July 1833.

No. C.

Mr. Jenkins'
Dissent.
5 July 1833.

we are to conduct the Indian Government as much as possible on the principle of an *enlightened native state*, and to admit no *privileged caste* of our own countrymen to ride over our native subjects, in defiance of the Local Authorities, and acknowledging no superior but the King and his Court of Justice, I doubt whether, in practice, any local legislation could be rendered efficient or would work well.

Much, too, as I deprecate the existence of a power superior to the Government, and drawing the natives unwarily into the *net* of laws obnoxious and foreign to their habits and manners, I yet consider the independent existence of King's Courts, confined strictly in their jurisdiction to Europeans and *bond fide* inhabitants of the Presidencies, and to the servants of the Company, excluding the Members of Government, for illegal acts, to be a necessary consequence, and a proper memento to the Government of its subjection to the Crown of Great Britain, as well as a wholesome restraint upon its measures.

It is a pledge to all classes of His Majesty's subjects, placed under a delegated authority, that he is always present, and ready to listen to and redress grievances which the Local Government might otherwise be disposed to pass over, or be *suspected of overlooking*, in order to screen its own servants.

There is, however, nothing in the situation and circumstances, present or prospective, of Europeans in India, which could not at once be settled by an Act revising the present system; and whilst laying down the actual jurisdiction of the courts and the mode of bringing Europeans to justice in the provinces, without the necessity of forcing Natives to the expense of repairing perhaps a thousand miles to a Presidency, the legitimate independence on the Local Government of the King's Court, and the proper dignity of the Judges in their own eyes and in the eyes of the community, might be maintained. Whatever might be so enacted would command a cheerful obedience both from them and from British subjects, which would be denied to acts of the Local Legislature.

This, too, would not be inconsistent with giving to the Governor General a power to stop an act of the Court which he might consider dangerous, pending the result of a reference to England.

According to my views, therefore, a Judicial Commission and a Supreme Legislative Council are unnecessary, as the main object of the former, *viz.*, the approach to uniformity in legislation, is not desirable; and that of the latter, *viz.*, legislation for King's Courts and Europeans on the one hand, and the subordinate Presidencies on the other, can be better performed by the Parliament

Parliament of Great Britain and by the Local Governments respectively, and does not require the creation of a new machinery for the purpose.

I cannot, moreover, agree in the propriety of not allowing deportation except by sentence of a court of law. By the supposition on which alone such an exertion of authority on the part of the Indian Government can be justified, it must be confined to flagrant cases, when the public safety would be endangered by allowing the individual to remain in India, and nothing could be more impolitic than to deny to the supreme power the means of its preservation. If deportation has been occasionally resorted to in past times on grounds of state necessity, I must be allowed to think that in future it is more than ever likely to be required, under the unlimited resort of Europeans to India, the attempts making to rouse the Natives to a sense of their political wrongs, and the likelihood of the trade of agitation becoming one of the most lucrative temptations to a certain class of writers to proceed to India, who, if acting with skill and dexterity, might set all India in a blaze, without the Government being able to obtain a conviction against them to authorize their removal from the country.

I have said nothing regarding the proposal for having one Commander-in-chief for all the armies, which, however, I think open to objections, similar in their nature to those which I have urged against the intended changes in the powers of the Supreme and Local Governments respectively, as well as to others of great moment, connected with the peculiar constitution of our Indian armies and the situation of our empire.

I shall only express a hope, in conclusion, that the opinions I have expressed, very strongly I will admit, may not be considered to be advanced in a dogmatical spirit, and my unfeigned confidence, that the discussions in Parliament on the momentous topics above referred to, by individuals who have themselves borne a part in the higher branches of the Indian Government, will terminate, whether in opposition to or in accordance with my opinions, in the manner best calculated to ensure good government to the people of India, and consequently the interests and reputation of this country and of the Company.

East-India House,
5th July 1833.

(Signed) RD. JENKINS.

No. C.

Mr. Jenkins'
'Dissent',
5 July 1833.

No. CI.

AT A

COURT OF DIRECTORS

Held on Tuesday the 9th July 1833.

No. CI.

—
Court of Directors,
9 July 1833.

A letter from the Committee of Commanders and Officers of the Company's Maritime Service, dated this day, requesting to be informed whether, in the event of the Bill now before Parliament passing into a law, the Court will be enabled to grant to any one of them compensation under Clause 6, there being in that clause no retrospective provision; being read,

Ordered, That the said letter be referred to the consideration of the Committee of Correspondence.

No. CII.

LETTER *from the* COMMITTEE *of* COMMANDERS *and* OFFICERS *in the Company's Maritime Service.*

To the Honourable the Court of Directors of the East-India Company.

HONOURABLE SIRs :

No. CII.

—
Letter from
Committee of
Commanders and
Officers,
9 July 1833.

We, the Committee of Commanders and Officers of your Maritime Service, beg leave most respectfully to address you on the following important point.

We are most anxious to ask, with all due submission, supposing the India Bill passes into a law as it now stands, in April 1834, most of your maritime servants being then at home, and not in active employment;

Whether your Honourable Court will be enabled to grant to any one of them compensation under Clause 6, there being in that clause no retrospective provision?

As the India Bill goes into Committee in a few days, after which no alteration

tion can take place, we respectfully but most earnestly entreat an early answer to this very serious question.

We have the honour to be,

Honourable Sirs,

Your most obedient humble servants,

(Signed) ALEX. NAIRNE,
PATRICK H. BURT,
GEORGE PROBYN,
ROBERT LINDSAY,
HENRY GRIBBLE,
WM. YOUNGHUSBAND,
CHARLES S. TIMINS,
CLARENCE DALRYMPLE,
THOMAS BLAIR,
D. MARSHALL.

Committee Room, Jerusalem Coffee-House,
9th July 1833.

No. CII.

Letter from
Committee of
Commanders and
Officers,
9 July 1833.

No. CIII.

AT A

COMMITTEE OF THE WHOLE COURT,

Held on Tuesday, the 9th July 1833.

The Chairman submitted the Draft of a Letter to the Right Honourable Charles Grant, stating, with reference to the letter which the Court addressed to him on the 12th ultimo, on the subject of the commercial contracts and engagements of the Company, and to which no reply has yet been received, that it is their intention to despatch the "Elizabeth" for China on Wednesday, the 17th instant, and that by that opportunity they will instruct the Supracargoes to provide Teas sufficient for the lading of the Company's own ships now at home, and of the other ships whose contracts are unexpired, unless the Court shall previously receive a communication from him opposed to that course of proceeding.

The same was read, and ordered to lie for consideration.

No. CIII.

Committee of
the Whole Court,
9 July 1833.

No. CIV.

AT A

COMMITTEE OF THE WHOLE COURT.

Held on Wednesday, the 10th July 1833.

No. CIV.

Committee of
the Whole Court,
10 July 1833.

The letter which was yesterday submitted by the Chairman to the Right Honourable Charles Grant, respecting the despatch of the ship Elizabeth for China, and the instructions to be sent by her to the Supracargoes, was read and approved.

No. CV.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 10th July 1833.

No. CV.

Court of Directors,
10 July 1833.

The Chairman from the Committee of the Whole Court submitted to the Court the Draft of a Letter to the Right Honourable Charles Grant, agreed to by the Committee, stating, with reference to the letter which the Court addressed to him on the 12th ultimo, respecting the Company's commercial contracts, &c., and to which no reply has yet been received, that it is intended to despatch the "Elizabeth" for China on the 17th instant, and that by that opportunity they will instruct the Supracargoes to provide Teas sufficient for the lading of the Company's own ships now at home, and of the other ships whose contracts are unexpired, unless the Court shall previously receive a communication from him opposed to that course of proceeding: whereupon

The said Draft of a Letter was read and approved.

No. CVI.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the*
Right Honourable CHARLES GRANT.

East-India House, 10th July 1833.

SIR :

In reference to the letter which we had the honour to address to you on the 12th ultimo, and to which we have not been favoured with a reply, we are requested by the Court of Directors of the East-India Company to acquaint you, that as the ship Elizabeth, which has been kept on demorage for some weeks, expressly with the expectation that the Court would be enabled to transmit instructions for the guidance of the Supracargoes at Canton, cannot with propriety be longer detained, the Court intend to dispatch her on Wednesday the 17th instant.

By that opportunity the Court will instruct the Supracargoes to enter into contracts in the ensuing season for the purchase of Teas sufficient for the lading of the Company's own ships now at home, and of the other ships whose contracts are unexpired, unless we should previously receive a communication from you opposed to that course of proceeding.

We have the honour to be, &c. &c.

(Signed) C. MARJORIBANKS.

WM. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CVI.

Letter to the
Rt. Hon.
Charles Grant,
10 July 1833.

No. CVII.

AT A

COMMITTEE OF CORRESPONDENCE.

Held on Wednesday, the 10th July 1833.

No. CVII.

A letter from the Committee of Commanders and Officers of the Company's Maritime Service, dated the 9th instant, requesting to be informed whether,

Committee
of Correspondence,
10 July 1833.

No. CVII. in the event of the India Bill being passed into a law, the Court will be enabled to grant to any one of them compensation under clause 6, there being in that clause no retrospective provision; being read,
 Committee
 of Correspondence,
 10 July 1833.

Draft of a letter to the Right Honourable Charles Grant at the India Board, transmitting a copy of the letter above-mentioned; and observing that, in the Court's judgment, the compensation clause should be sufficiently comprehensive to enable them to entertain claims from all persons now or lately employed by the Company in the commercial branch of their affairs, if the claimants can make out clearly and satisfactorily that they have individually sustained a pecuniary loss through the cessation of the Company's trade, was read and approved.

No. CVIII.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 10th July 1833.

No. CVIII. The Draft of a Letter to the Right Honourable Charles Grant, at the India Board, transmitting copy of a letter received from the Committee of Commanders and Officers of the Company's Maritime Service, and observing that, in the Court's judgment, the compensation clause should be sufficiently comprehensive to enable them to entertain claims from all persons now or lately employed by the Company in the commercial branch of their affairs, if the claimants can make out clearly and satisfactorily that they have individually sustained a pecuniary loss through the cessation of the Company's trade, was read and approved.
 Court of Directors,
 10 July 1833.

No. CIX.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the*
Right Honourable CHARLES GRANT.

East-India House, 11th July 1833.

SIR :

We have the honour to transmit to you copy of a letter which the Court of Directors of the East-India Company have received from the Committee of Commanders and Officers of the Company's Maritime Service; respecting which the Court think it only necessary to observe, that in their judgment the compensation clause should be sufficiently comprehensive to enable them to entertain claims from all persons now or lately employed by the Company in the commercial branch of their affairs, if the claimants can make out clearly and satisfactorily that they have individually sustained a pecuniary loss through the cessation of the Company's trade.

We have the honour to be, &c.

The Right Honourable Charles Grant.

&c. &c. &c.

(Signed) C. MARJORIBANKS,
W. WIGRAM.

No. CIX.

Letter to the
Rt. Hon.
Charles Grant,
11 July 1833.

No. CX.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 17th July 1833.

The Chairman adverting to the letter to the Right Honourable Charles Grant of the 12th ultimo, upon the subject of the Company's commercial contracts, laid before the Court a letter he had received from Mr. Grant, under date the 13th instant, which was read; recommending, as the opinion of His Majesty's Government, that the Company should not send any more ships to India or China, nor proceed with any more contracts in this country, nor send cotton from India to China, nor give orders for the provision or purchase of

No. CX.

Court of Directors,
17 July 1833.

No. CX.

Court of Directors,
17 July 1833.

any more indigo, saltpetre, or silk piece-goods for the English market; explaining the views of the Government in regard to the disposal of the silk filatures, and the mode of selling the silk itself; and observing, that before any notification is made to the merchants here of the resolution to which the Court may come upon the latter point, he shall be glad to receive such remarks as they may consider it useful to offer.*

The Chairman then submitted to the Court the Draft of a proposed Letter to Mr. Grant, requesting to be informed whether it is the opinion of the King's Government that no contracts for the purchase of Tea by the Company should be entered into in China in the ensuing season, the last of their exclusive privilege; enquiring also, whether it is intended that the Court should supersede the intimation conveyed to Bengal in the Commercial dispatch of the 5th September last, of the intention to make purchases of indigo to the extent of about £300,000.

The said Draft of a Letter was then read and approved.†

The Chairman laid before the Court another letter from the Right Honourable Charles Grant, dated the 13th instant, stating that the observations and suggestions contained in the Chairman and Deputy Chairman's letters of the 2d and 10th instant upon the clauses of the Bill now in Parliament respecting the Company's Charter and the Episcopal Establishment in India, have engaged and continue to engage his serious attention, and that any further communication of the like nature which the Court may be pleased to make shall be duly weighed and considered by him during the progress of the Bill through its future stages; observing also, that the Law Officers of the Crown have been desired to communicate freely with the Law Officers of the Company; which letter was read.‡

The Chairman also laid before the Court a further letter from the Right Honourable Charles Grant, dated the 13th instant, which was likewise read, stating that, in compliance with the recommendation of the Court, the compensation clause of the East-India Bill has been altered, so as to admit the consideration of the claims of the Commanders and Officers of the Company's Commercial Maritime service.§

It was then, on a motion,

Resolved, That the said letters from Mr. Grant, now read, be referred to the consideration of a Committee of the Whole Court.

* See No. CXI.

† See No. CXII.

‡ See No. CXIV.

§ See No. CXIII.

No. CXI.

LETTER *from the Right Honourable* CHARLES GRANT *to the*
CHAIRMAN *and* DEPUTY CHAIRMAN.

India Board, July 13th 1833.

GENTLEMEN :

I have to acknowledge the receipt of your letter of the 12th ultimo, calling the attention of His Majesty's Ministers to the situation in which the East-India Company are placed with regard to commercial contracts.

On a careful consideration of all the circumstances, it appears to the Government, as at present advised, desirable to bring the Company's commercial transactions to a close with all practicable expedition. With this view, I beg to recommend that the Company should not send any more ships to India or China, nor proceed with any more contracts in this country, nor send cotton from India to China, nor give orders for the provision or purchase of any more indigo, saltpetre, or silk piece goods for the English market.

With respect, however, to the silk filatures, great caution appears to be necessary. The virtual monopoly existing within the range of the Company's silk agencies must not suddenly be broken up: such a course might be injurious to the producers in India and to the consumers in this country. Unless, therefore, some unexpected occasion arise, it will probably be necessary to continue the purchase of silk at least for 1834; but there is no necessity for sending ships from this country to bring it home: freight for it may be taken up in India, or the silk itself may be sold there. The latter is the measure which his Majesty's Government would prefer, unless there shall be a failure in the demand at Calcutta, which they do not now anticipate.

The instructions to the Bengal Government should, I submit to you, be to take measures for the disposal of the factories with as much expedition as may be consistent with prudence;—that prudence being understood to refer less to the pecuniary gain or loss to the Company, than to the interests of the producers and the wants of the manufacturers in this country. Even should some loss be incurred, the silk-growers must not be suddenly deserted by the Company, unless there are capitalists ready to carry on the filatures. Till that happens, the Local Government must judge how far they may gradually diminish their

No. CXI.

Letter from the
Rt. Hon.
Charles Grant,
13 July 1833.

No. CXI.

Letter from the
Rt. Hon.
Charles Grant,
13 July 1833.

their operations. The mode of dealing with the silk after it has been purchased must also be left to their discretion; but I request you to take into consideration, whether it may not be advisable to intimate immediately to the merchants here, that the Company's silk will be absolutely sold, if it can obtain any price exceeding prime cost and charges, or some fixed rate to be determined and notified by the Court.

Having thus made you acquainted with the opinion which His Majesty's Ministers have formed on the subject of your letter, I beg to add, that I shall be most happy to receive, before any notification is made of the resolution to which the Court may come, such remarks as it may appear to them useful to offer.

I have the honour to be, Gentlemen,

Your most obedient humble Servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. CXII.

LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN.

India Board, 13th July 1833.

GENTLEMEN:

No. CXII.

Letter from the
Rt. Hon.
Charles Grant,
13 July 1833.

I have had the honour to receive your letters of the 2d and 10th instant, the first of which contains the observations of the Court of Directors on such of the principal provisions of the proposed Bill as relate to the construction of the Indian Governments, to the state of the law in India, and the condition of the Natives. Of your two letters of the 10th instant, one transmits a paper of Observations and Suggestions upon certain clauses of the Bill; and the other relates to the proposed enlargement of the Episcopal Establishment in India.

Although I could not at the present moment, without great inconvenience, advert in writing to the several points which are so ably discussed in your letters to me, I beg to assure you, that the observations and suggestions contained in those letters have engaged, and continue to engage, my serious attention,

attention, and that any further communications of the like nature which the Court, through you, may be pleased to make, shall be duly weighed, and considered by me, during the progress of the Bill through its future stages.

Conformably to the wish of the Court, I have desired the Law Officers employed by the Board to communicate freely with the Law Officers of the Company.

I have the honour to be, Gentlemen,

Your most obedient and humble Servant,

(Signed) CHAS. GRANT.

P.S. In reference to your letter of the 11th instant, I have had personal communication with Mr. Lawford, who will doubtless have submitted to you the proceedings respecting the Bill.

The Chairman and Deputy Chairman
of the East-India Company.

No. CXII.

Letter from the
Rt. Hon.
Charles Grant,
13 July 1833.

No. CXIII.

LETTER *from the Right Honourable* CHARLES GRANT *to the*
CHAIRMAN *and* DEPUTY CHAIRMAN.

India Board, 13th July 1833.

GENTLEMEN:

I have to acknowledge the receipt of your letter of the 11th instant, enclosing a copy of a letter addressed to the Court of Directors by the Committee of Commanders and Officers of the East-India Company's Commercial Maritime Service, and I have to inform you that, in compliance with the recommendation of the Court, the compensation clause of the East-India Bill has been altered, so as to admit of the consideration of the claims of such officers.

I have the honour to be, Gentlemen,

Your most obedient and humble Servant,

(Signed) CHAS. GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. CXIII.

Letter from the
Rt. Hon.
Charles Grant
13 July 1833.

No. CXIV.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the*
Right Honourable CHARLES GRANT.

East-India House, 17th July 1833.

SIR :

No. CXIV.

Letter to the
Rt. Hon.
Charles Grant.
17 July 1833.

In reference to your Letter, dated the 13th instant, respecting an immediate discontinuance of the Company's commercial contracts, we have the honour to submit to you the request of the Court of Directors, that you will be pleased to state whether it be the opinion of the King's Government that no contracts for the purchase of Tea by the Company should be entered into in China in the ensuing season, the last of their exclusive privilege.

We beg leave also to enquire whether, in recommending that no orders should be given for the purchase of any more indigo, you intend that we should supersede the intimation conveyed to the Bengal Government in the Commercial dispatch of the 5th of September last, of an intention to make purchases of that article to the extent of about £300,000, which sum has been included in the estimate lately rendered by the Court of assets expected to be realized in this country.

As soon as the Court shall receive the explanations of His Majesty's Ministers upon these points, they will be prepared to consider what instructions they should issue upon the subject.

We have the honour to be, Sir,

&c. &c.

(Signed) C. MARJORIBANKS,
WM. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No. CXV.

* AT A

COMMITTEE OF THE WHOLE COURT,

• Held on Friday, the 19th July 1833.

The Chairman laid before the Committee a letter from the Right Honourable Charles Grant, dated the 13th instant, recommending as the opinion of His Majesty's Government, that the Company should not send any more ships to India or China, nor proceed with any more contracts in this country, nor send cotton from India to China, nor give orders for the provision or purchase of any more indigo, saltpetre, or silk piece goods for the English market; explaining the views of the Government in regard to the disposal of the silk filatures, and the mode of selling the silk itself; and observing, that before any notification is made to the merchants here of the resolution to which the Court may come upon the latter point, he shall be glad to receive such remarks as they may consider it useful to offer.

The said letter was read; whereupon

The Chairman communicated to the Committee the letter from the Secret Commercial Committee to the Select Committee of Supracargoes at Canton, dated the 14th May last.

The said letter was likewise read.

The Chairman then submitted the Draft of Paragraphs for China, apprising the Supracargoes that, in the event of the Bill now before Parliament passing into a law, no more ships will be sent to China for commercial purposes, and that no more Tea is to be contracted for or purchased by them on the Company's account, and giving them instructions as to the reduction of their establishment there in consequence of the altered state of affairs.

And the said paragraphs having been read, were on the question approved.

The Chairman then also laid before the Committee the Draft of Paragraphs for Bengal in the Commercial Department, adverting to the Bill now before Parliament respecting the Company's affairs, and stating that the Court have abandoned the intention implied in their despatch dated the 5th September last, relative to a provision of indigo at Calcutta in 1833 and 1834, and have determined

No. CXV.

Committee of
the Whole Court,
19 July 1833.

No. CXV.

Committee of
the Whole Court,
19 July 1833.

determined to make no further purchases of that article, or of saltpetre or silk piece goods, and to send no more cotton from India to China, but observing that the purchase of silk in India must be continued for 1834; whereupon,

The said paragraphs were read and approved.

No. CXVI.

AT A

COURT OF DIRECTORS,

Held on Friday, the 19th July 1833.

No. CXVI.

Court of Directors,
19 July 1833.

The Chairman submitted the Draft of Paragraphs for China, which had been approved in the Committee of the Whole Court, apprising the Company's Supracargoes at Canton that, in the event of the Bill now before Parliament passing into a law, no more ships will be sent to China for commercial purposes, and that no more Tea is to be contracted for or purchased by them on the Company's account, and giving them instructions as to the reduction of their establishment there in consequence of the altered state of affairs.

And the said paragraphs having been read, were on the question approved.*

The Chairman then laid before the Court the Draft of Paragraphs for Bengal in the Commercial Department, likewise agreed upon in the said Committee, advertng to the Bill now before Parliament respecting the Company's affairs, and stating that the Court have abandoned the intention implied in their despatch dated the 5th September last, relative to a provision of indigo at Calcutta in 1833 and 1834, and have determined to make no further purchases of that article, or of saltpetre or silk piece goods, and to send no more cotton from India to China; but observing, that the purchase of silk in India must be continued for 1834: whereupon,

The said paragraphs were read and approved.†

William Wigram, Esq., Deputy Chairman,
and

William Astell, Esq., a Member of the Court,
delivered in their Dissents from the Paragraphs for China above recorded, which Dissents were read.

* See No. CXVIII.

† See No. CXIX.

No. CXVII.

DISSENT *by* WILLIAM WIGRAM, Esq. (*Deputy Chairman*). and *by*
WILLIAM ASTELL, Esq.

When the proper period arrives, I shall be prepared, if called upon, to state my opinion, without reserve, on the scheme which may be finally resolved upon by Parliament for the future Government of India through the instrumentality of the East-India Company; but I feel it to be my duty, in the present stage of the proceedings, to place upon record my Dissent from the Dispatch to China which has been approved by the Court this day, and which is based upon the principles contained in the letter from the Right Honourable the President of the Board of Commissioners of the 13th instant, and which was read in Court on Wednesday last.

The Company will undoubtedly, under the proposed plan, cease from all commercial operations on their own account; but if, by a limited continuance of trade, the financial resources of India can be benefited, I conceive it will be the wisest and most judicious course to pursue such trade, for the purpose of enabling territory more readily to meet the additional pecuniary obligations which will be charged upon that territory, under the contemplated arrangement, which additional charge will amount to £155,924, as per estimate laid before the House of Lords on the 4th of this month, exclusive of pensions and superannuations.

In my judgment such benefit would be secured to India, if instead of disposing *instantly* of all the commercial assets which are to be made over to the Crown, and of immediately withdrawing from further employ all the Company's own ships and others now under contract, those ships were to be sent out to China, for the purpose of bringing home such a reduced quantity of Tea as might be determined upon with reference to the markets both at home and abroad, as well as to the interests of the private trader and the British public.

The ships in question, at a moderate rate of earning, would relieve *pro tanto* the Commercial assets, from whence such compensation as may be awarded must be drawn.

The Commanders and Officers of such ships would also be employed;

The Warehouse Establishment in London, in part at least, would be retained; and

No. CXVII.

Dissents by the
Deputy Chairman
and
Mr. Astell,
19 July 1833.

No. CXVII.

Dissents by the
Deputy Chairman
and
Mr. Astell,
19 July 1833.

The Factory at Canton would be rendered available : all which measures would lessen the claims which will be preferred.

The 75,000 pieces of long ells now in warehouse would likewise be exported to China, instead of being disposed of in this country.

The cotton which will have been provided in India, to the amount of nearly half a million sterling, would be laden for Canton, whereby the remittance from India (a point I consider of very great importance) would be secured at least for a time; and lastly, the great deterioration in the out-turn of the assets generally, by a forced sale of the Tea now in store in this country (which Tea has been provided under the Commutation Act), as well as the serious results to be apprehended in China from a sudden and total withdrawal of the East-India Company from the market there, would be averted. The private merchant would also be enabled gradually to enter into that trade, more especially as regards Tea, and the transfer of that valuable branch of China commerce would more probably be effected without any of those convulsions which may be anticipated from a hasty, ill-digested, and ruinous plan, involving either the throwing upon the home market a large quantity of Tea in addition to that now in warehouse, or of totally deranging the markets in China, by occasioning a great fall in the price of the article, which will have been provided by the Tea-growers and Hong merchants, in expectation of the usual demand on the part of the Company.

There is, moreover, another point of considerable moment, which appears to me not to have received sufficient attention; and that is, the uncertainty which will attend our future intercourse with China. It remains to be seen how the Government of that country will be disposed to recognize the substitution of the new authorities contemplated by the Trade Bill, and how far they will be disposed to allow of a duty being levied in their ports for the maintenance of a foreign establishment, and to permit the authorities composing such establishment to impose and enforce penalties and inflict punishments, as well as to institute a local court, which, as appears to me by the 6th clause of the Bill, is to possess Admiralty jurisdiction within the Chinese Empire.

I must express my satisfaction, under these circumstances, that the East-India Company will have no share in this new order of things in China; for I cannot contemplate the proposed measures without being impressed with the conviction, that we are assuming a character towards the Chinese which cannot be maintained upon principles of policy or justice.

For these reasons, and for others which I could urge if time permitted, it is impossible for me to concur in the views of His Majesty's Ministers, as stated

in Mr. Grant's letter of the 18th of this month, and now proposed to be communicated to the Factory in China.

East-India House, the 19th July 1833.

(Signed) W. WIGRAM.

No. CXVII.

Disents by the
Deputy Chairman
and .

Mr. Astell,
19 July 1833.

Concurring in the reasons contained in the foregoing Dissent, I hereby affix my signature.

East-India House, the 19th July 1833.

(Signed) W. ASTELL.

No. CXVIII.

The PARAGRAPHS for CHINA, referred to in Page 376.

Our President and Select Committee of Supracargoes at Canton in China.

No. CXVIII.

Para. 2. In reference to the dispatch from the Secret Commercial Committee dated the 14th of May last, we have to acquaint you that a Bill (copy of which, as amended in the Committee, forms a number in the packet) is now in progress, to effect an arrangement for the future government of India, which Bill provides that the trade of Great Britain with China shall be opened from and after the 22d of April 1834, and that our Commercial transactions shall be closed with all convenient speed after that date,

Dispatch to China,
23 July 1833.

3. With these important measures in prospect, it has been matter for serious consideration, what instructions we should issue to you regarding a provision of teas next season, the last which remains of our exclusive privilege.

4. If we could have restricted our view of this question to considerations affecting the home market, there would have been no difficulty in the decision; for as, consequent on the provisions of the Commutation Act, there will in April 1834 be on hand, and expected to arrive, a stock of Tea equal to two years' consumption, it is obviously desirable, with a view to an advantageous sale of that immense stock, that no purchases should be made in the intervening period.

5. But we have necessarily extended our view to considerations affecting the market in China, which for a long course of years has been accustomed to the system of retaining a large stock of Tea in England, and the difficulty which has presented itself to our minds is, how the stock can be reduced without deranging the China market.

6. An immediate relaxation by us of our exclusive privilege, so as to allow private merchants to engage in the trade previously to April 1834, would not, we think, lessen the difficulty. But even if it did, extensive importations of

No. CXVIII. Tea purchased during the continuance of our privilege would have the effect of materially depreciating the value of the stock on hand, which we are bound, as far as possible, to protect for the sake of the Indian territory, to which it will virtually belong when the arrangements now pending are completed.

Dispatch to China,
23 July 1833.

7. The question has appeared to us to involve a choice only of evils, deeply affecting not merely the interests of India, but also the prosperity of the open trade which it is intended shall take place between this country and China. Under this impression, we have considered it to be our duty to ask the opinion and advice of His Majesty's Ministers; and in accordance with their recommendations, expressed in distinct and unqualified terms, we apprise you, that in the event of the Bill now before Parliament meeting with the final concurrence of the Company, and being sanctioned by Parliament, no more ships will be sent by us to China for Commercial purposes, and that no more tea is to be contracted for or purchased by you on our account.

8. We have further to acquaint you, that as a reduced establishment will be sufficient for the discharge of any business that we can require in China after the termination of the present season, whether for the winding up of our commercial affairs there or for the conduct of remittance transactions, if any such should be entrusted to you, you have our authority to permit any of our servants who may wish it, and whose services may not be required, to return to England on some of the last ships of the season. If necessary, you may detain one ship for the purpose, taking by preference a Company's own ship.

9. We will only add, that we are endeavouring to obtain authority to enable us to transfer servants of the China Establishment to the Civil Service in India, if such a measure should appear to be desirable.

We are,

Your loving friends,

JOHN COTTON,

(Signed)

C. MARJORIBANKS,

H. SHANK,

W. WIGRAM,

H. ST. G. TUCKER,

W. ASTELL,

G. LYALL,

W. YOUNG,

J. R. CARNAC,

R. C. FERGUSSON,

J. LOCH,

R. JENKINS,

G. RAIKES,

P. VANS AGNEW,

W. S. CLARKE,

R. ELLICE,

J. THORNHILL,

J. L. LUSHINGTON,

J. FORBES.

H. ALEXANDER,

London, 23d July, 1833.

No. CXIX.

The PARAGRAPHS for BENGAL, referred to in Page 376.

(Commercial Department.)

Our Governor General, in Council at Fort William in Bengal.

1. A Bill is now in progress which, should it meet with the final concurrence of the Company and be sanctioned by Parliament, will effect an arrangement for continuing the government of India in the Company, they ceasing, whilst they possess that government, to carry on trade with either India or China.

2. With this important measure in prospect, we have abandoned the intention implied in our dispatch dated the 5th of September last, relative to a provision of indigo at Calcutta, in December 1833 and January and February 1834, and have determined to make no further purchases of that article, or of saltpetre or silk piece goods, and to send no more cotton from India to China.

3. We desire that you will publicly notify this determination for the information of the mercantile community.

4. It is our intention, at an early opportunity, to write to you upon the subject of the silk filatures. In the meantime it is only necessary to state, that the purchase of silk by you must be continued for 1834.

5. We transmit, a number in the packet, copy of a dispatch which we have addressed to the Supracargoes at Canton, relative to discontinuing our Commercial transactions there.

We are,

Your affectionate friends,

HY. ALEXANDER,

JOHN COTTON,

H. SHANK,

H. ST. G. TUCKER,

GEORGE LYALL,

JAMES R. CARNAC,

JOHN LOCH,

GEORGE RAIKES,

WM. S. CLARKE.

(Signed) C. MARJORIBANKS,

W. WIGRAM,

W. ATELL,

W. YOUNG,

R. C. FERGUSSON,

RD. JENKINS,

P. VANS AGNEW,

RUSSELL ELLICE,

J. L. LUSHINGTON,

No. CXIX.

Dispatch to Bengal
23 July 1833.

London, 23d July 1833.

No. CXX.

AT A

COURT OF DIRECTORS.

Held on Tuesday, the 23d July 1833.

No. CXX.

—
Court of Directors,
23 July 1833.

The Chairman laying before the Court a copy of the Bill “For effecting an arrangement with the India Company and for the better government of His Majesty’s Indian territories,” as amended in the Committee of the House of Commons on the 19th instant;

It was, on a motion,

Resolved, That the said amended Bill be referred to the consideration of a Committee of the Whole Court.

Whereupon the Court resolved itself into a Committee of the Whole Court accordingly.

No. CXXI.

AT A

COMMITTEE OF THE WHOLE COURT,

Held on Tuesday, the 23d July 1833.

No. CXXI.

—
Committee of
the Whole Court,
23 July 1833.

The Chairman submitted the Draft of a proposed Letter to the Right Honourable Charles Grant, stating, that the Court have had before them the Bill for effecting an arrangement with the Company and for the future Government of India, as amended in the Committee of the House of Commons, requesting, on the grounds therein stated, that sufficient time may be allowed, previously to the third reading of the Bill, to enable the Proprietors, should they think fit, to prefer a Petition against it; and observing, that the Court will convene a General Court for Friday next, for the consideration of so important a subject.

. The

The said letter was read, and on the question approved.

The Committee taking into consideration the Draft of a further Letter to Mr. Grant, submitting the opinion of the Court in reference to Clause A of the East-India Bill, which provides that Civil Servants now employed at St. Helena shall be eligible to offices in India; that as St. Helena, with all the stores and property thereon, are by the Bill vested in the Crown, it will remain with His Majesty's Government, and not with the Company, to take charge of the servants upon the establishment.

The said letter was likewise read and approved.

No. CXXI.

Committee of
the Whole Court,
23 July 1833.

No. CXXII.

AT A

COURT OF DIRECTORS,

Held on Tuesday, the 23d July 1833.

The Chairman submitted the Draft of a Letter to the Right Honourable Charles Grant, which had been agreed upon in the Committee of the whole Court, requesting, in reference to certain objectionable clauses in the amended Bill, that sufficient time may be allowed, previously to the third reading of the Bill, to enable the Proprietors, should they think fit, to prefer a Petition to Parliament against it; and stating that the Court will convene a General Court for Friday next, the earliest day upon which it can with propriety be summoned to meet, for the consideration of so important a subject.

No. CXXII.

Court of Directors
23 July 1833.

And the said letter having been read, was on the question approved.*

The Chairman then submitted the Draft of another Letter to the Right Honourable Charles Grant, which had been approved by the said Committee, submitting the Court's opinion in reference to Clause A. of the East-India Bill, as amended, which provides that Civil Servants now employed at St. Helena shall be eligible to office in India; that as St. Helena, with all the stores and property thereon, are by the Bill vested in the Crown, it will remain with His Majesty's Government, and not with the Company, to take charge of the servants upon that establishment.

And the said Draft of a Letter having been read was likewise approved.†

Richard Jenkins, Esq., a Member of the Court, delivered in his Dissent from

* See No. CXXIII.

† See No. CXXIV.

No. CXXII. from the opinions expressed by the Court in the Paper of Observations and Suggestions on the India Bill, approved by them on the 9th instant, so far as the same relate to the College at Haileybury, which was read.*

It was, on a motion,

Resolved, That the whole of the Proceedings relating to the Bill now before Parliament respecting the East-India Company's Charter, which have taken place since the last communication to the General Court upon that subject, as also the Proceedings respecting the Company's Commercial Contracts and Engagements, together with any Dissents recorded upon those points, be printed for the information of the Proprietors.

Draft of an Advertisement convening a Special General Court, for Friday next, the 26th instant, to take into consideration the India Charter Bill as amended in the Committee of the House of Commons, and now ordered for a third reading; and giving notice that further Papers respecting the said Bill are printing, and will be ready for delivery to the Proprietors on Friday morning, at ten o'clock; was then read and approved.

No. CXXIII.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the*
Right Honourable CHARLES GRANT.

East-India House, 23d July 1833.

SIR :

No. CXXIII. The Court of Directors of the East-India Company have had before them the Bill for effecting an arrangement with the Company and for the future government of India, as amended in the Committee; and observing, as they do with great regret, that no provision is made in the Bill for that regular communication of the cases of difference between the Board and the Court to Parliament, which is necessary for the exercise of its paramount control, the Court request that sufficient time may be allowed, previously to the third reading of the Bill, to enable the Proprietors, should they think fit, to prefer a Petition against it; a course which they may probably deem it expedient to adopt for the reason which we have given, and also because, independently of other objectionable enactments, the Bill provides for the creation of several

new

new offices at a large expense, for a much heavier augmentation of charge in the Ecclesiastical Establishment than you appear yourself to have contemplated, and for the continuance of an exclusive system of education for the Civil Service of India under a most exceptionable mode of nomination, at an expense to the Company of five hundred pounds for every Writer, independently of the charge made to his friends.

• The Court will convene a General Court for Friday next, the earliest day upon which it can with propriety be summoned to meet for the consideration of so important a subject.

We have the honour to be, Sir,

Your most obedient humble Servants,

(Signed) C. MAJORIBANKS,

W. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CXXIII.

Letter to the
Rt. Hon.
Charles Grant,
23 July 1833.

No. CXXIV.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the*
Right Honourable CHARLES GRANT.

East-India House, 23d July 1833.

SIR :

In reference to Clause A of the East-India Bill, which provides that Civil Servants now employed at St. Helena shall be eligible to offices in India, we have the honour to submit to you the opinion of the Court of Directors, that as St. Helena, with all the stores and property thereon, are by the Bill vested in the Crown, it will remain with His Majesty's Government, and not with the Company, to take charge of the Servants upon the establishment.

We have the honour to be, Sir,

Your most obedient humble Servants,

(Signed) C. MAJORIBANKS,

W. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CXXIV

Letter to the
Rt. Hon.
Charles Grant,
23 July 1833.

No. CXXV.

DISSENT by RICHARD JENKINS, Esq.

No. CXXV.

Mr. Jenkins'
Dissent.
23 July 1833.

I oppose myself with much diffidence to the opinion expressed by the Court in the Paper of Observations and Suggestions on the India Bill, which passed on Tuesday the 9th instant, on the subject of the College at Haileybury.

In the first place, I can by no means bring myself to admit that an appropriate education for the Civil Servants of the Company, even with regard to intellectual and literary subjects, corresponding with the amount and quality of the acquirements which have been pronounced to be necessary, is to be obtained elsewhere so well or so cheaply as in the College, or that any plan of examination can be framed for ascertaining satisfactorily the real and relative proficiency of the young men destined for India, which will not be open to many and great objections, if we rely upon that alone. With respect, moreover, to good principles and habits, which we ought to consider at least of equal importance with literary and scientific attainments, I should lament the substitution of mere testimonials for a probationary course of conduct, as at the College, under the eye, and subject to the superintendence and regulation of those authorities who are directly responsible for their appointment, and morally so, for the good or evil which may result to the people of India from their future behaviour in the high trusts for which they are destined.

With these views, I entirely coincide with the sentiments expressed in a Report of the Committee of Correspondence dated October 1804, as quoted by Dr. Batten, in his very able evidence before the Public Sub-Committee of the House of Commons in July last, that the destined Civil Servants "should not be left to such chance of acquisition, as the routine of public or country schools may, under all the varieties of situation, tutorage, example, and other circumstances incident to persons collected from every part of the United Kingdom, afford them. There ought to be one course and standard of appropriate education for them, and to this end one place of instruction."

Although, therefore, I am not disposed to deny that greater facilities exist at present for enabling young men to acquire both the European and Oriental branches of knowledge that are demanded of them, than at the period of the establishment of the College, it must be proved to me that those means are equal

equal, or nearly equal to those furnished by the East-India College, before I should think it wise to abolish the latter, which is generally acknowledged to have answered, in a considerable degree, the ends for which it was instituted.

If there are means to be found out of the College of obtaining education in the various prescribed branches to the desired point, at least there is no one institution that combines all; and my opinion, that such an education is not elsewhere attainable, is further strengthened by the fact stated by Dr. Batten, that the minimum qualification for the examination before the London Board, as designating fitness in the examined *to go out to India*, is scarcely superior to that required for *students entering Haileybury*. It is true the London Board was established to meet a temporary demand; but why was the test not raised when the immediate pressure was removed? There were, in fact, three degrees or classes approaching to the Haileybury standard, yet it appears that even after 1829 (the Board having been established in 1826) out of thirty-four young men that passed for India, not one reached the first class, and only seven the second.

I conceive then that we must either infer that the present test at the College is too high, or that the education out of doors is not expected to work up to it. The general opinion, however, seems to be, that even the test at the College is not high enough; and this being admitted, I am still more persuaded that no system but one concentrated as that at the College is, for all the purposes in view, and acknowledged to be competent to degrees of educational efficiency, greatly beyond any thing that has yet been laid down for it, can accomplish the task.

In short, in my humble judgment, the higher the qualification fixed, and the fewer the prizes, which, under the increasing introduction of the Natives of India into public employment, must be the case, and must render necessary also that higher qualification, the greater the difficulty of Civil Servants being otherwise supplied than through an exclusive establishment like the College at Haileybury.

To go farther into an examination of this question, however, I suppose it will hardly be denied that there must be a peculiar system of education for the Civil Service in India; and if so, there must either be a separate institution for it, or some of our public Schools or Colleges must be so modelled as to afford it. The demand for Writers would not, I may venture to assert, provide students enough to cover, to any private institution, the expense of masters of sufficient skill and knowledge to impart the prescribed quantum of the latter

No. CXXV.

Mr. Jenkins'
'Dissent,'
23 July 1831.

No. CXXV.

Mr. Jenkins'
Dissent,
23 July 1833.

latter to the aspirants for Indian appointments, together with that of maintaining a system of discipline specially suited to the nondescript age of the young men. If, again, teachers only were congregated in one place, how are the morals and conduct of the young men to be directed? It may be said that they would be better under the eye of their parents or friends, in the latter respect; but are whole families to migrate for the purpose to the point of Education; and from whence, in this case, are the testimonials of good conduct to emanate? If, again, they must be placed under some tutor for the purpose, here would be a double expense.

Similar objections will apply to any plan for modelling existing Schools or Universities to meet the exigency; and I consider the arguments of Mr. Robert Grant, as quoted in Dr. Batten's evidence, against the substitution of the latter, to be unanswerable.

Haileybury, then, is at any rate the only institution existing, that combines both the literary education and moral probation deemed necessary for young men of the age proper for entering the Civil Service of India to possess and give proofs of, to those who are responsible for their appointments.

If the *usual degree of knowledge* attainable by boys up to the age of nineteen or twenty, at places of education accessible to the pecuniary means and circumstances of the rising youth of the kingdom in the rank of gentlemen, will suffice, a public examination as proposed, with testimonials of respectable conduct in addition, would probably be enough. I am not sure, however, that such is the meaning of the Court; but if it is, I am not of that opinion; if it is not, I am satisfied that a high test of qualification cannot be maintained under any system but that of the East-India College.

With regard to the disadvantage supposed to arise from confining the associations of youth destined for foreign service to companions all having the same destination, if that disadvantage were giving them feelings and prejudices exclusively connected with India, I should rather desire than deprecate such a result. It appears, however, to be thought, on the other hand, by some, and particularly by a gentleman who has had extensive means of forming a judgment on the subject (I mean Mr. Elphinstone), that the young men from Haileybury have generally a prejudice against India and every thing connected with it. I cannot conceive how the mere circumstance of being educated at Haileybury should have the latter effect, any more than how persons educated for any other destination or profession should necessarily contract similar aversions. They must arise, in this case, either from extraneous circumstances.

stances, or from something wrong in the internal regulations of the College. I should say, however, that a young man who was capable of taking up such a prejudice at Haileybury would have contracted the same any where else; and where it is not brought with the young men from home, I should rather refer it to another cause, noticed by Mr. Malthus in his pamphlet on the subject published in 1818, as one of the complaints then made against the College, "that many students acquire such a taste for the European part of their education, that they do not pay sufficient attention to the Oriental part, and that by their protracted stay in England they strengthen so much the ties which unite them to their friends and their native country, that they are too unwilling to leave it."

I would further beg to quote the following passage, which answers the argument of exclusiveness in a manner in which I perfectly concur.

"In the free constitution of this country, it is surely of great importance that our officers of the Army and Navy should not lose the feelings of citizens; but if it is imperiously necessary that their education should finish sooner than the usual course of School and University discipline permits, and if they are required to know certain branches of science appropriate to their professions which are not taught in the common places of education, we do not hesitate to separate them for a time from other boys; trusting, and trusting, I think justly, that while they are living under the British constitution, and seeing continually their parents and friends and hearing their conversation, they are not likely to lose the habits and feelings of British citizens."

Moreover I am disposed to approve, rather than deprecate, the association complained of in another point of view. Having myself had the honour of being brought up in the College of Fort William, as originally established by Marquis Wellesley, and which associated me with my contemporaries of the Civil Service on the three establishments, I must be allowed to say, that I have derived a high degree of personal pride and comfort, and I will venture to add, the public service has been rather benefited than injured in the various scenes in which we have been engaged in common, from the effect of the friendships I then formed. Without undervaluing, then, that more general intercourse through an education derived from the less exclusive establishments of public Schools and Universities, I think that for one ray of happiness which such an association might impart abroad, and a few more scattered rays casually relighted in intermediate visits to this country, or on a final return to it in the decline of life, after the best

No. CXXV.

Mr. Jenkins'
Dissent.
23 July 1833.

No. CXXV.

Mr. Jenkins'
Dissent.
23 July 1833

best part has been spent in India, the College of Haileybury may be the means of cheering the long night of banishment from their native land with the unintermitted warmth of pure and disinterested attachment, giving moral strength in dangers and temptations, and comfort in sickness and adversity, surely to be wished for rather than denied to our servants in India. But it seems to be forgotten, that the Civil Service in India is thrown into a mass of about five times its number of military men, King's and Company's, to whom this exclusiveness does not apply; and scattered as the former are through an immense region, I cannot but think that the slight degree of *elective attraction*, generated from the recollection of common studies and common pursuits at Haileybury, is rather desirable than otherwise under such circumstances.

Other objections which in former times were strongly urged against the College have, I believe, been greatly obviated by later regulations, and I cannot doubt that a further revision of the establishment would lead to the removal of any imperfections that may still remain uncorrected, and that may not be inseparable from such institutions.

The question of expense is doubtless one not to be overlooked; but it requires to be considered under an enlarged view of all the exigencies of the case. It appears by Mr. Auber's evidence, that the average cost to the Company of each Writer from Haileybury, in the twenty-five years from the foundation of the College to 1830-31, has been £386. 12s., including the building, or £284. 2s. 6½d. exclusive of it. Besides this, the annual expense of each Writer in Bengal until the abolition of the College was about £600 per annum; but against this we may set the expense to Government of each Writer in India going out at the age usual until Haileybury was established, up to their entering upon any duty beyond that of mere clerks.

That an equal efficiency in the Civil Service during these twenty-five years could have been attained without that establishment, or the more expensive one of Marquess Wellesley in India, is at least extremely doubtful. Indeed, I may go further, and assert that the means said to be so ready at hand in England at present, of instruction in Oriental as well as other pursuits, scarcely yet made common as branches of academical instruction elsewhere than at Haileybury, are mainly owing to the encouragement given to them in the two institutions mentioned, and consequently that for a great part of the period an equal education was not attainable elsewhere.

I should, however, have no hesitation in laying down the principle broadly, that the governing power for British India must bear a certain portion of the expense

expense of bringing up a supply of young men for its service, as long as the functionaries are to be furnished from Great Britain on any thing like the present system as to their age or qualifications, and that the amount so paid must cover the difference between the expense of an average education for gentlemen in England and that for British functionaries in India. The extra charges of a course of study for the different professions, in England even, are not all borne by the individuals themselves, but are defrayed in part out of the endowments which have formed the original funds of the Schools and Colleges where they are educated, though the success or failure is in most cases rather a private than a public concern. It is certainly so until the aspirant reaches some high post, which, however, he seldom can without giving proofs of his merit; and even there, his failure cannot hurt the community so much as himself.

What, on the contrary, is the case of young men appointed to the Civil Service in India? Every step of their career is, or may be, of importance to the people of India, to the British character, and to the very existence of our empire.

To use the words of Lord Wellesley, "They are required (and that frequently at a very early period after their arrival in India) to discharge the functions of Magistrates, Judges, Ambassadors, and Governors of Provinces, in all the complicated and extensive relations of those sacred trusts and exalted stations, and under peculiar circumstances which greatly enhance the solemnity of every public obligation, and aggravate the difficulty of every public charge. Their duties are those of statesmen in every other part of the world, with no other characteristic differences than the obstacles opposed by an unfavourable climate, a foreign language, the peculiar usages and laws of India, and the manners of its inhabitants."

With an education in view directed to such purposes, I cannot think that the sums already expended have been disproportioned to the object; but there seems no reason why the students should not be called upon to pay a greater share of the expense than hitherto. The present reduced state of the numbers of students cannot continue; but if it should, the demand for higher qualification under the changes in India, both as to the unrestricted admission of Europeans into the country and that of the Natives into public employments, will be in the inverse ratio of the numbers of the functionaries.

Upon the whole, then, when it is considered that the original expense of the buildings requisite for such an institution has been already incurred; that we have

No. CXXV.

Mr. Jenkins
Dissent,
23 July 1833.

No. CXXV.

Mr. Jenkins'
Dissent;
23 July 1833.

have collected under it an assemblage of able officers and Professors, such as perhaps cannot be found elsewhere; that it has sent out to India a succession of young men qualified in a superior degree for the arduous duties for which they are destined; that no other institution exists to supply its place, and that the prospect of a demand for Writers is so confined as to render it very unlikely that it can generate the foundation or supply the expenses of such an institution without the aid of public funds; when, above all, the paramount obligation of sending out functionaries whom we know to possess the proper degree of religious and moral, as well as literary and scientific acquirements, and the difficulty of obtaining the requisite proof of such acquirements by means of tests and examinations, without a probationary course of education under the eye of authority in such an institution as Haileybury, are added to this account, I sincerely hope that the determination of His Majesty's Ministers to give it a further trial will be persevered in.

I should further hail with satisfaction any prospect of the restoration of the College of Fort William on something like the comprehensive plan of Marquess Wellesley, to complete, in connection with that of Haileybury, the education of our young civilians in the Oriental languages, to afford encouragement and support to our own countrymen in the cultivation of Oriental pursuits, as well as to prove to our Native subjects the interest taken and the respect felt by the Government for their national literature, and to aid in forwarding such a degree of amalgamation between us and them, in education and social habits, as may be in consistency with that equality in political rights, and eventually in political power, to which we are endeavouring to raise them.

(Signed) RD. JENKINS.

East-India House,
23d July 1833.

FURTHER PAPERS

RESPECTING

THE EAST-INDIA COMPANY'S CHARTER.

1833.

L O N D O N :

**PRINTED BY ORDER OF THE GENERAL COURT FOR THE INFORMATION
OF THE PROPRIETORS,**

BY J. L. COX AND SON, 75, GREAT QUEEN STREET.

1833.

LIST OF PAPERS.

No.	Page
126. Minute of a Committee of the Whole Court, held on Wednesday, the 24th July 1833.....	393
127. Ditto.....Court of Directors, held on Wednesday, the 24th July 1833	<i>ib.</i>
128. Ditto..... Ditto..... held on Friday, the 26th July 1833	394
129. Letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, dated 25th July 1833	395
130. Letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, dated 25th July 1833	396
131. Dissent by James Rivett Carnac, Esq., dated 26th July 1833	397
132. Minute of a General Court of the United Company of Merchants of England trading to the East-Indies, held on Friday, the 26th July 1833	402
133. Petition from the East-India Company to the Honourable House of Commons, noticed in the preceding Minute.....	403
134. Letter from Edward Lawford, Esq. (Company's Solicitor) to Peter Auber, Esq., dated 29th July 1833	406
135. A Bill (as passed by the Honourable the House of Commons) for effecting an Arrangement with the East-India Company, and for the better Government of His Majesty's Indian Territories; 27th July 1833	407

No. CXXVI.

AT A

COMMITTEE OF THE WHOLE COURT,

Held on Wednesday, the 24th July 1833.

No. CXXVI.

The Committee proceeding to take into consideration the East-India Bill as the same has been amended in the Committee of the House of Commons; and the Bill having been read,

Committee of
the Whole Court,
24 July 1833.

The Chairman submitted the Draft of a Petition to the House of Commons, praying that the Bill may be so modified and altered as to meet the objections set forth in the Petition.

And the same having been read,

It was

Resolved, That it be recommended to the Court of Proprietors to petition Parliament respecting the Bill ordered for a third reading on Friday next, and that the Petition now read be approved and submitted to the General Court on Friday next for their adoption.

No. CXXVII.

AT A

COURT OF DIRECTORS,

Held on Wednesday, the 24th July 1833.

No. CXXVII.

The Chairman laid before the Court the following Resolution of the Committee of the Whole Court, held this day, which was read: *viz.*

Court of Directors,
24 July 1833.

Resolved, That it be recommended to the Court of Proprietors to petition

S F

“ Parliament

No. CXXVII. "Parliament respecting the Bill ordered for a third reading on Friday next,
 Court of Directors, "and that the Petition now read be approved and submitted to the General
 24 July 1833. "Court on Friday next for their adoption."

The Draft of a Petition to the Honourable House of Commons therewith submitted, was likewise read, representing to the House the objections of the Company to certain clauses of the Bill now before Parliament, "for effecting
 "an Arrangement with the India Company, and for the better Government of
 "His Majesty's Indian Territories;" and praying the House so to modify and alter the said Bill as to meet those objections, and stating that if it should be the pleasure of the House to hear Counsel in support and explanation of the objections, Counsel are prepared to appear accordingly, at such time as the House may be pleased to appoint.

And the Court having deliberated thereon:

Resolved, That it be accordingly recommended to the Court of Proprietors to petition Parliament respecting the Bill ordered for a third reading on Friday next, and that the Petition now read be approved, and submitted to the General Court on Friday next for their adoption.

No. CXXVIII.

AT A

COURT OF DIRECTORS,

Held on Friday, the 26th July 1833.

No.
 CXXVIII.
 Court of Directors,
 26th July 1833.

A letter from the Right Honourable Charles Grant, dated at the India Board the 25th instant, adverting to the wish of the Court as expressed in the Chairman and Deputy Chairman's letter of the 23d instant, that the third reading of the East-India Bill may be postponed, in order to allow sufficient time for the Court of Proprietors, should they think fit, to prefer a Petition against it; and stating the grounds upon which he declines to interfere with the arrangement which has been made by the House of Commons for carrying the Bill through its ensuing stage, being read (See No. CXXIX); also

Another

Another letter from Mr. Grant, dated the 25th instant, observing in reply to the letter from the Chairman and Deputy Chairman of the 23d instant, respecting Clause A. of the East-India Bill, that while he agrees with them, that it will remain with His Majesty's Government to take charge of the servants upon the St. Helena establishment, still as the clause is only permissive, he does not foresee that any inconvenience is likely to arise out of the provision of that clause, as it will rest with the Court to act upon it or not at their own discretion. (See No. CXXX.)

Ordered, That the said letters be referred to the consideration of a Committee of the Whole Court.

James Rivett Carnac, Esq., a member of the Court, delivered in his Dissent from the Court's resolution of the 24th instant, approving and recommending for the adoption of the General Court the draft of a petition to the Honourable House of Commons, against the Bill now before that House on the subject of the Company's Charter, which was read. (See No. CXXXI.)

No.
CXXVIII.
Court of Directors.
26 July 1833.

No. CXXIX.

LETTER from the *Right Honourable* CHARLES GRANT to the CHAIRMAN and DEPUTY CHAIRMAN.

India Board, 25th July 1833.

GENTLEMEN :

In reference to the wish of the Court of Directors, as expressed in your letter of the 23d instant, that the third reading of the East-India Bill may be postponed in order to allow sufficient time for the Court of Proprietors, should they think fit, to prefer a petition against it, I beg to assure you, that I should be well-disposed to meet the wish of the Court if I could discern any sufficient ground for delaying the progress of the Bill ; but as the several points adverted to by you have already been maturely weighed and considered, and as on the third reading there will be a further opportunity of discussion, I trust that I shall not incur the imputation of uncourteousness, or of a desire to precipitate the measure, if I decline to interfere with the arrangement which has been made by the House of Commons for carrying the Bill through its ensuing stage.

No. CXXIX.

Letter from the
Rt. Hon.
Charles Grant,
25 July 1833.

The.

No. CXXIX.

Letter from the
Rt. Hon.
Charles Grant,
25 July 1833.

The Court must be aware that at this late period of the Session, when many important questions remain to be disposed of, the order agreed upon by the House for the discussion of those questions ought not to be disturbed without urgent cause.

I have the honour to be,

Gentlemen,

Your most obedient and humble servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. CXXX.

LETTER *from the Right Honourable* CHARLES GRANT *to the*
CHAIRMAN and DEPUTY CHAIRMAN.

India Board, July 25th 1833.

No. CXXX.

GENTLEMEN :

Letter from the
Rt. Hon.
Charles Grant,
25 July 1833.

In reply to your letter of the 23d instant, respecting Clause A. of the East-India Bill, I beg to observe, that while I agree with you, that it will remain with His Majesty's Government to take charge of the servants upon the St. Helena Establishment, still as the clause is only permissive, I do not foresee that any inconvenience is likely to arise out of the provision of that clause, as it will rest with the Court of Directors to act upon it or not, at their own discretion.

I have the honour to be,

Gentlemen,

Your obedient and humble servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. CXXXI.

DISSENT *by* JAMES RIVETT CARNAC, Esq.

No. CXXXI.

Major Carnac's
Dissent,
26 July 1833.

I have hitherto confined the remarks which I have felt it necessary to make on the points that have arisen in the course of the negotiations with His Majesty's Government on the subject of the Company's Charter, to discussions in the Court of Directors; but I now feel the period has arrived, when it is my duty to endeavour to put beyond misconception the sentiments which I entertain on this important question, by placing them upon record, and I do this in the shape of a Dissent to the resolution of Wednesday last, approving of a petition to the House of Commons, which it is proposed to submit for the adoption of the Court of Proprietors this day. I do not object to the act of petitioning, but to the stress which I conceive to have been unnecessarily laid on some of the points which it is proposed to urge on the attention of Parliament against the Bill appointed for a third reading this evening.

Differences of opinion have naturally arisen in a matter which involves so great a departure from the system under which the Company have hitherto honourably and advantageously discharged their part in the government of India, and those differences are more or less strong, according to the views which individual members may have taken of the principles upon which the compromise was originally based, and is now in its progress to completion. I should have been glad had it been thought fit to have continued the Company in the same position towards India and China as that in which they stood under the Act of 1813. I think their commercial and political functions were united beneficially for the interests both of India and of England, and I have never contemplated the entire abandonment of all trade by the Company without considering it to involve the sacrifice of a positive advantage to the pecuniary interests of India.

In expressing these opinions, I would desire, however, to guard myself against being understood as maintaining that the existence of the Company's commercial character is essential to the beneficial exercise of their political functions. Had I thought so, I should not have concurred in recommending the Proprietors to cease from trade, and to consent to place their property on the security of Indian territory. I consider India to have benefited very
largely.

No. CXXXI.

Major Carnac's
Dissent,
26 July 1833.

largely by the application of the surplus commercial profits of the Company's trade, and I think England has derived a large and steady revenue, whilst the public have been supplied uninterruptedly in an almost indispensable article of consumption, of a quality and at a price which may not be secured to them under the proposed change. I likewise most fully admit that the members of the Court, in their individual capacity, may have derived considerable weight from the influence inseparable from the management of a commercial concern of vast magnitude; but viewing the Court of Directors in their collective capacity, and in reference to the political relation in which they are placed towards India, I do not believe that their commercial character has operated in the least degree beneficially, whilst it is my conviction that it has not induced any change of opinion where a difference may have arisen between the Board of Control and themselves on matters of government. Nothing, I apprehend, can better illustrate the correctness of this view than the following remark of the Court of Directors, in their Minute of the 15th July 1813, when they recommended the last Charter to the acceptance of the Proprietors: "The general powers of superintendence and control given (to the Board) by former Charters are in reality so large that if they had been exercised illiberally or vexatiously, it might have been difficult for the Court of Directors to perform their functions; and, in respect to the present powers, much will depend on the spirit in which they are administered."

Such was the declaration when the Company possessed the greatest commercial powers: those powers had no weight politically, but calm and deliberate remonstrance had its influence, and frequently produced (as I have no doubt, should occasion arise, will in future produce) a modification or accordance on points of difference between the two home authorities.

After one of the most minute and protracted investigations in the affairs of the East-India Company, which has ever taken place, and which was instituted for the avowed purpose of enabling Parliament to decide on the terms of a future agreement between the Public and the Company, His Majesty's Ministers submitted their scheme to the consideration of the Company; at the same time they expressed their readiness to weigh the merits of any other plan which might be suggested as an alternative. The Court of Directors did not see fit to propose any other plan, but they communicated unreservedly their opinions and objections to the plan of the Government. To these objections His Majesty's Ministers replied, and the negotiation has throughout been conducted in the spirit of a compromise, by which term I understand to

mean

mean a compact, in which concessions are to be made on each side—important concessions have been made. One principal feature in the scheme was, the abandonment of all commercial dealings by the Company: this has been acceded to, it has been approved by Parliament as far as the measure has hitherto travelled, and the question now appears to me to be whether, under the scheme as developed in the Bill now before the Court, we shall in our situation of Directors, recommend to our constituents to ratify the compromise, and place their Charter of Trade in abeyance. The question divides itself into two parts: first, the pecuniary interests of the Proprietors; and secondly, the Government of India. With regard to the first consideration, the Court of Directors, in their resolution of the 7th of June last, recommend to the General Court to defer to the arrangement regarding the Guarantee Fund, and the security of their dividend on Indian revenue; this recommendation was accepted, and agreed to, by the Court of Proprietors on the 10th of that month.

The value of the stock in the market, is a good criterion of the opinion which is entertained of it by the Public; and as it is at the option of the holder to retain it or not, as he may judge most for his advantage, I might content myself with that remark; but I cannot hesitate from giving it as my opinion, that I look to the ultimate security which the Indian territory affords, if well administered, as good and ample, certainly for the term during which the East-India Company is to possess the Government of that country; beyond that period it is unnecessary for me to express any opinion. There is one point, however, which has been dwelt upon in the course of the discussions, namely, the immediate pecuniary effect which the proposed arrangement is to have on the finances of India, and an account has been called for by the House of Lords, which shews an excess of additional charge of £455,924. But it is to be borne in mind, that, unless the Company had retained the monopoly of trade to China, India would equally have lost the advantage of the exchange which forms £346,026 of the above sum, to which may be added the interest of the Home Bond Debt, viz. £88,000, making a reduction of £434,026 in the sum of £455,924. I think no one will contend, after reading the Minute of Conference between the Duke of Wellington and Lord Ellenborough, and the Chairs of that day, that the monopoly could have been continued.

I now proceed to the consideration of the second point, the relation in which it is proposed the Company shall in future stand towards India.

Under the proposed Bill, it will be found that the Company are still to be the originating intermediate body in whom the Government of India is vested under

No. CXXXI.

Major Carnac's
Dissent,
26 July 1833.

No. CXXXI.

Major Carnac's
Dissent,
26 July 1833.

under certain limitations. The Company henceforth, as at present, are to originate all orders and instructions to the several Governments of India, excepting such orders as may proceed through the Secret Committee relating to peace and war, and negotiations with foreign states. They are to appoint the Governor-General, Governor and Commanders-in-Chief, subject as at present to approval by the Crown. The Counsellors are to be nominated by them (with the exception of one in Bengal) according to their own selection, and not subject to any other confirmation. They are to have the power of recall of any functionary, high or low, free from any veto on the part of the Board. The appointment of Writers, Cadets, and Assistant-surgeons, remain with them, subject, as at present proposed in the appointment of Writers, to an objectionable mode of nomination, upon which I shall hereafter remark. The Board are still precluded from directing or desiring the payment of any extraordinary allowance or gratuity, or the increase of any established salary or emolument; neither can the Board originate any expense whatever. These are points which I consider of great moment as regards both India and this country.

The Bill, as originally laid before the Court, consisted of one hundred and thirteen clauses; upon forty-two of them the Court offered a paper of observations and suggestions; amendments have been made more or less in twenty-two of such clauses, concurring in the views of the Court; the others relate to publicity, the appointment of Councils, of Law Commissioners, of two additional Bishops, the consequent increase of charges, and also to the future plan for appointing students to the College of Haileybury.

With regard to the question of publicity, it has been brought before Parliament in the Negotiation Papers; but the Legislature does not appear to take the same view of the importance of such a provision as is taken by the Court. I can readily conceive that circumstances might arise which might render it very undesirable to act upon such a provision; but if passed into a law, it would be imperative on the Court to obey it. The Court of Proprietors possesses the means within itself of enacting a Bye-law which would ensure publicity, and at the same time leave a discretion which, in my judgment, would be essential in such a provision, from whatever authority it may proceed. But in point of fact, I conceive that publicity can be obtained, and even more certainly effectual, by the whole matter of serious differences with the Board being opened to the Proprietors, than in any other way. With respect to the appointments of Councils (at least for the present) at the subordinate Presidencies, I concur in the views of the Court; but I differ as to the government

Government proposed to be established in the Western Provinces. I consider that the Government at Agra ought to be made an efficient substantive government, the additional expense of which will in some degree be provided for by the consequent reduction of the Residency at Delhi. With respect to the appointment of Law Commissioners, I consider that some measure is absolutely called for, in order that the laws which are to apply to the altered state of the community should be clearly defined, and, as far as practicable and consistent with local usages, made applicable to all classes. Great caution and judgment will be necessary in the discharge of these important duties devolving on the Commission; and if their labours should effect satisfactorily the object of their appointment, I should consider the sum which it is proposed to allot to them as well applied.

Upon the proposed addition to the ecclesiastical establishment, I do not entertain such strong objections as have been urged by the Court.—When the introduction of the episcopal establishment was under consideration in 1813, the distinguished nobleman who had filled the office of Governor General stated his opinion, that the ecclesiastical establishment had not been placed on a respectable footing, and that one of a suitable form would tend to elevate the European character in India. Whether such an establishment should be formed by the appointment of a Bishop or Archdeacons, Lord Wellesley did not state, though he appears to have considered the introduction of a new establishment a matter of some delicacy. The experiment, however, has been tried; and the apprehension of any ill effects, with reference to the feelings of the Natives, has been proved to be groundless. I can speak from experience to the highly beneficial results which have followed the increase of the episcopal establishment in India, among which its zealous and successful exertions for the encouragement of general education among the Natives may be enumerated to its honour. I cannot therefore object to two additional Bishops; one I deem indispensable to avoid the recurrence of the inconvenience which has been experienced by the premature death of at least three of the five Prelates who have been nominated to the See of Calcutta since its establishment in 1814. I do not regard the small additional expense as any reason for opposing the measure.

The last point upon which I have to observe is the proposed new system of nominating four candidates, from whom one student is to be selected for admission into Haileybury College. I entirely concur in the opinions expressed by the Court on this subject, as I conceive that no plan can be

No. CXXXI.

Major Carnac's
Dissent.
26 July 1833.

No. CXXXI.

Major Carnac's
Dissent,
26 July 1833.

devised on the whole so well adapted as the present mode of appointment to the civil service, *under a defined test*, to diffuse this patronage amongst those classes whose position in society renders them best calculated to provide the description of servant who will be found the most desirable as well as efficient in India.

Having thus recorded the views which I entertain on the great question under our consideration, considering that the Court of Directors will be possessed of all the powers which they at present exercise to enable them to discharge with honour to themselves, and with benefit to India, the great and important trust of its administration; and having stated that in my judgment the pecuniary interests of the Proprietors are amply secured in the projected arrangement, I cannot but be prepared at the proper season to recommend to my constituents (under the confident hope that some of the modifications urged on the attention of the Legislature will yet be conceded) to confirm the compromise by placing their chartered commercial rights in abeyance.

East-India House,
26th July 1833.

(Signed) J. R. CARNAC.

No. CXXXII.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

No. CXXXII.

Held on Friday the 26th July 1833.

General Court,
26 July 1833.

THE Chairman acquainted the Court that the Papers relative to the Negotiation respecting the Company's Charter, which have been printed since the last meeting of the Proprietors, were laid on the table, and that if it was the desire of the Court they should be read; but that as Mr. Grant had intimated to the Court of Directors, in reply to their letter requesting time to consider the amendments which have been made in the Bill, that the third reading

reading will not be delayed beyond this evening, the Court of Directors had prepared a Petition to the House of Commons against the Bill, which Petition, if approved by the General Court, should be presented at the meeting of the House.

No. CXXXII.
General Court,
26 July 1833.

The undermentioned documents were then read, *viz.*:—

Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated the 23d instant.

Letter from Mr. Grant to the Chairman and Deputy Chairman, in reply, dated the 25th instant.

Another Letter from the Chairman and Deputy Chairman to Mr. Grant, dated the 28d instant; and

A Letter from Mr. Grant to the Chairman and Deputy Chairman, dated the 25th instant, in reply.

The Chairman then submitted for the approval of the Court of Proprietors the Draft of a Petition which had been prepared to the House of Commons against the Bill; which Petition was read, being as follows:—(See No. CXXXIII.)

It was then on a motion

Resolved,—That this Court approve the said Petition, and that the Company's seal be affixed thereto.

No. CXXXIII.

The PETITION from the EAST-INDIA COMPANY to the HONOURABLE HOUSE OF COMMONS, noticed in the preceding Minute.

No.
CXXXIII.

Petition to
the House of
Commons.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled,

The humble Petition of the United Company of Merchants of England trading to the East-Indies,

Sheweth,

That a Bill is now before your Honourable House for continuing the government of the British territories in the East-Indies in your Petitioners, they consenting for the period of their holding that government to discontinue the car-

No.
CXXXIII.

Petition to
the House of
Commons.

rying on of any trade for their own profit, and that with a view to this arrangement your Petitioners have acquiesced in a plan embodied in the said Bill for adjusting all the pecuniary claims of your Petitioners upon the principle of compromise.

That your Petitioners, being impressed with a deep sense of the importance of the trust proposed to be committed to them for a further term, are most anxious to be placed in such a situation as to be enabled to administer the territorial government of India with advantage to the people of that country.

That by the said Bill, every act of the Court of Directors, excepting what relates to certain matters of patronage and to the details of their home establishment, is made subject to the control of the Board of Commissioners for the Affairs of India; and although your Petitioners presume not to offer any objection to this, admitting that where two distinct bodies have a concurrent jurisdiction there must rest somewhere power to decide absolutely in cases of difference between them, yet your Petitioners feel it to be their duty to suggest the importance of providing that such cases should be reported to both Houses of Parliament, in order that the Court of Directors in originating political measures, and the Board of Commissioners in controlling them, should both act under a decided sense of responsibility to the Legislature; and in order to obviate an objection that might be taken to this suggestion as involving the disclosure of matters which ought to be kept secret, your Petitioners beg leave to point out to your Honourable House, that the Bill makes provision for entrusting such subjects as Parliament has thought it fit should be kept secret, to a Secret Committee, acting ministerially under the direction of the said Board.

Your Petitioners further humbly represent, that the said Bill proposes to effect a serious change in the constitution of the local governments in India, which in the judgment of your Petitioners will, if adopted, place an excessive power in the hands of the Governor-general, and prejudicially diminish the power and influence of the governments of Madras and Bombay.

Your Petitioners admit that it is necessary to provide an efficient government for the western provinces of Bengal; but they think that this object would be as satisfactorily, and much more economically attained, by the appointment of a Lieutenant Governor subject to the Bengal Government, than by the institution of a fourth Presidency.

The proposal to vest the Executive Governments of Madras and Bombay in Governors without Councils, appears to your Petitioners to be liable to very serious

serious objections, which are not removed by that clause in the bill which allows the Court of Directors, with the approbation of the said Board, to appoint a council in any Presidency, because, as there are councils at present, the effect of the bill, if passed into a law, will be to declare the opinion of the legislature against councils, and to place the Court of Directors and the Board in the position, should they think councils essential, of at once exercising their judgment in opposition to that opinion.

If it be intended to continue the Councils but with a power to the Court and the Board to dispense with them, your Petitioners humbly submit that that intention should be distinctly expressed in the said bill.

Your Petitioners would further represent, that they cannot but contemplate with anxiety the increase of expense which will be caused by the number of new offices proposed by the said bill to be created; a governor of Agra, at 1,20,000 rupees per annum; and, as a consequence of the formation of a Presidency there, many expensive establishments; three additional councillors in Bengal, at 96,000 rupees a year each; and five law commissioners, at 60,000 rupees a year each.

Your Petitioners must also regard with some apprehension, the augmentation of charge in the ecclesiastical department by means of the arrangements provided for in the said Bill; for at present independently of the military chaplains of the church of England, seventy-five in number, the Establishment comprises one bishop, three archdeacons, and six chaplains of the church of Scotland, at an aggregate expense of 1,66,333 rupees per annum; whilst under the proposals contained in the said bill, the Establishment will comprize, independently of seventy-five military chaplains of the church of England, three bishops, three chaplains to discharge the duties which the archdeacons now perform, and eight chaplains of the church of Scotland, at an aggregate expense of 2,29,858 rupees annually, besides which there is the contingent expense of episcopal visitations, pensions, and passage money.

Your Petitioners, whilst they are sincerely desirous that adequate means should be provided for the spiritual instruction and consolation of all classes of the public servants stationed in India, must be permitted to remark, that no evidence has been brought before them which satisfies them of the necessity of adding to the establishment two suffragan bishops, and two chaplains of the church of Scotland, and that without such evidence they could not consider it just to employ the revenues of India in maintaining these officers.

Your Petitioners beg leave respectfully to call the particular attention of
your

No. .
CXXXIII.

Petition to
the House of
Commons.

No.
CXXXIII.

Petition to
the House of
Commons.

your Honourable House to those parts of the said Bill which relate to the college at Haileybury.

Throughout the correspondence which has passed with His Majesty's Ministers, your Petitioners have declared upon this point, that the arrangement "which shall most effectually provide the means of giving good servants to the Indian empire is that which will assuredly meet the views of the Court, whatever its effect may be on their patronage;" and it is because your Petitioners are deliberately convinced that efficiency will be more likely to be obtained in a general system of education, brought to the standard of a high test of examination, than in any exclusive system, that the court confidently ask your Honourable House to abolish the college, a measure which is further strongly recommended by considerations of expense, as the maintenance of that institution has in the last term caused a charge upon India at the rate of upwards of ten thousand pounds per annum, when there were less than thirty students within its walls; and your Petitioners would also submit the important fact, that in the course of the last ten years the college has at one time been unequal to supply the requisite number of writers, and at another, as at present, is much more than adequate to the supply.

Your Petitioners therefore most humbly pray that your Honourable House will be pleased to take the foregoing representations into consideration, and so to modify and alter the said Bill, as to meet the objections which your Petitioners have presumed to lay before you; and if it should be the pleasure of your Honourable House to hear Counsel in support and explanation of those objections, Counsel are prepared to appear accordingly at such time as you may be pleased to appoint.

(L. S.)

No. CXXXIV.

No.
CXXXIV.

Letter to
Peter Auber, Esq.
29 July 1833.

LETTER from EDWARD LAWFORD, *Esq.*, (*Company's Solicitor*), to
PETER AUBER, *Esq.*, *Secretary to the East-India Company*.

SIR;

Drapers' Hall, 29th July 1833.

I have the honour to state to you, for the information of the Honourable Court of Directors, that the petition agreed to by the General Court on Friday last,

Letter to
Peter Auber, Esq.
29 July 1833.

last, which I received from you that afternoon, was presented on the same evening to the Honourable House of Commons by Robert Cutlar Fergusson, Esq., who moved that the Company's Counsel, who were in attendance, should be called in. This motion not being acceded to, the Bill having been farther amended was read a third time and passed; and I have the honour to send you herewith a copy of it as so amended.

I am,

Sir,

Your most obedient servant,

(Signed) EDWARD LAWFORD.

Peter Auber, Esq., Secretary, &c.

No. CXXXV.

A BILL (as passed by the Honourable the House of Commons) for effecting an Arrangement with the East-India Company, and for the better Government of His Majesty's Indian Territories.

(27th July 1833.)

WHEREAS by an Act passed in the fifty-third year of the reign of His Majesty King GEORGE the Third, intituled "An Act for continuing in the *East-India Company* for a further term the possession of the *British Territories* in *India*, together with certain exclusive privileges; for establishing further Regulations for the Government of the said Territories, and the better administration of Justice within the same, and for regulating the Trade to and from the Places within the limits of the said Company's Charter;" the Possession and Government of the *British Territories* in *India* were continued in the United Company of Merchants of *England* trading to the *East-Indies* for a term therein mentioned:

And whereas the said Company are entitled to or claim the Lordships and Islands of *Saint Helena* and *Bombay*, under Grants from the Crown, and other Property to a large amount in value; and also certain Rights and Privileges, not affected by the determination of the term granted by the said recited Act:

And whereas the said Company have consented that all their rights and interests to or in the said territories, and all their territorial and commercial,

No. CXXXV.

Preamble.

Recital of 53 Geo. 3.
c. 155.

Whereby the possession and government of *India* continued to the Company for a Term.

Recital that the Company claim *St. Helena* and *Bombay* and other property, and rights not affected by determination of Term.

Recital that the Company have con-

real

No. CXXXV.

ented that their rights in the Indian Territories and all their property (subject to their liabilities) shall be at the disposal of Parliament; in consideration of the provisions of this Act; and that their right to trade shall be suspended.

Recital that it is expedient that India be continued under the government of the Company in trust for the Crown;

and that their Property be continued in their possession in trust for the service of Government; and other purposes.

1.
The British Territories in India to remain under the government of the Company till 30th April 1854.

The real and personal property of the Company to be held in trust for the Crown for the service of India.

real and personal Assets and Property, whatsoever, shall, subject to the debts and liabilities now affecting the same, be placed at the disposal of Parliament, in consideration of certain provisions hereinafter mentioned, and have also consented that their right to trade for their own profit in common with other His Majesty's subjects be suspended during such time as the Government of the said territories shall be confided to them :

And whereas it is expedient, that the said territories, now under the government of the said Company, be continued under such government, but in trust for the Crown of the United Kingdom of Great Britain and Ireland, and discharged of all claims of the said Company to any profit therefrom to their own use, except the dividend hereinafter secured to them, and that the property of the said Company be continued in their possession and at their disposal, in trust for the crown, for the service of the said Government, and other purposes in this act mentioned :

Be it therefore Enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the Twenty-second day of April One thousand eight hundred and Thirty-four, the Territorial Acquisitions and Revenues mentioned or referred to in the said Act of the fifty-third year of His late Majesty King George the Third, together with the Port and Island of *Bombay*, and all other Territories now in the Possession and under the Government of the said Company, except the Island of *Saint Helena*, shall remain and continue under such Government until the Thirtieth day of April One thousand eight hundred and Fifty-four; and that all the lands and hereditaments, revenues, rents, and profits of the said Company, and all the stores, merchandize, chattels, monies, debts, and real and personal estate whatsoever, except the said Island of St. Helena, and the stores and property thereon hereinafter mentioned, subject to the debts and liabilities now affecting the same, respectively, and the benefit of all contracts, covenants, and engagements, and all rights to fines, penalties, and forfeitures, and other emoluments whatsoever, which the said Company shall be seized or possessed of, or entitled unto, on the said Twenty-second day of April One thousand eight hundred and thirty-four, shall remain and be vested in, and be held, received, and exercised, respectively, according to the nature and quality, estate and interest of and in the same respectively, by the said Company in trust for his Majesty, his Heirs and Successors, for the service of the Government of *India*, discharged of all claims of the said Company to any profit or advantage therefrom

from to their own use, except the Dividend on their Capital Stock, secured to them as hereinafter is mentioned, subject to such powers and authorities for the superintendence, direction, and control over the acts, operations, and concerns of the said Company, as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made or provided by this Act.

And be it Enacted, That all and singular the privileges, franchises, abilities, capacities, powers, authorities whether military or civil, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever, granted to or continued in the said United Company by the said Act of the fifty-third year of King George the Third, for and during the term limited by the said Act, and all other the enactments, provisions, matters, and things contained in the said Act, or in any other Act or Acts whatsoever, which are limited, or may be construed to be limited to continue for and during the term granted to the said Company by the said Act of the fifty-third year of King George the Third, so far as the same, or any of them, are in force, and not repealed by, or repugnant to the enactments hereinafter contained, and all powers of alienation and disposition, rights, franchises, and immunities, which the said United Company now have, shall continue and be in force, and may be exercised and enjoyed as against all persons whomsoever, subject to the superintendence, direction, and control hereinbefore mentioned, until the Thirtieth day of April One thousand eight hundred and Fifty-four.

Provided always and be it Enacted, That from and after the said Twenty-second day of April One thousand eight hundred and Thirty-four, the exclusive right of trading with the Dominions of the Emperor of *China*, and of trading in Tea, continued to the said Company by the said Act of the fifty-third year of King George the Third, shall cease.

And be it Enacted, That the said Company shall, with all convenient speed after the said Twenty-second day of April One thousand eight hundred and Thirty-four, close their Commercial Business, and make sale of all their merchandise, stores, and effects, at home and abroad, distinguished in their account books as Commercial Assets, and all their warehouses, lands, tenements, hereditaments, and property whatsoever, which may not be retained for the purposes of the Government of the said Territories, and get in all debts due to them on account of the Commercial Branch of their affairs, and reduce their Commercial Establishments as the same shall become unnecessary, and discontinue and abstain from all Commercial Business which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property hereinbefore directed

2.
All privileges, powers, &c. granted by 53 Geo. 3, c. 155, for the term thereby granted,

and all enactments of that and other Acts which are limited to continue during that term, and not repugnant to this Act, to be in force during further term;

and all powers of alienation, rights, and immunities of the Company to be in force, subject to control.

3.
From 22d April 1834, *China* and Tea Trade of Company to cease.

4.
The Company to close their Commercial Business, and to sell their property not retained for Government.

rected to be sold, or which shall not be carried on for the purposes of the said Government.

5.
The Board of Control to superintend Sale of the property, and the reduction of the Commercial Establishments and payment of Commercial Claims, and generally to control all acts affecting the property,

and to appoint necessary Officers to attend them during the winding up of the Commercial Business; the charge to be defrayed by Company.

6.
The Company may consider claims of Commercial Officers reduced, and, under the control of the Board, grant compensations.

7.
The particulars thereof being laid before Parliament every year.

And be it Enacted, That the Board of Commissioners for the Affairs of India shall have full power to superintend, direct, and control the sale of the said Merchandize, Stores, and Effects, and other property hereinbefore directed to be sold, and to determine from time to time, until the said property shall be converted into money, what parts of the said Commercial Establishments shall be continued and reduced, respectively, and to control the allowance and payment of all Claims upon the said Company connected with the Commercial Branch of their affairs, and generally to superintend and control all acts and operations whatsoever of the said Company, whereby the value of the property of the said Company may be affected; and the said Board shall and may appoint such Officers as shall be necessary to attend upon the said Board during the winding up of the Commercial Business of the said Company, and that the charge of such Salaries or Allowances as His Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct to be paid to such Officers, shall be defrayed by the said Company as hereinafter mentioned, in addition to the ordinary charges of the said Board.

And be it Enacted, That it shall be lawful for the said Company to take into consideration the claims of any persons now or heretofore employed by or under the said Company, or the widows and children of any such persons, whose interests may be affected by the discontinuance of the said Company's Trade, or who may be reduced from time to time, and, under the control of the said Board, to grant such Compensations, Superannuations, or Allowances (the charge thereof to be defrayed by the said Company as hereinafter mentioned), as shall appear reasonable. Provided always that no such compensations, superannuations, or allowances shall be granted without the consent of the Board of Commissioners for the Affairs of India, signified by a letter from one of the Secretaries of the said Board to the Court of Directors of the said Company; and that such consent shall not be in any case given or signified until the expiration of two calendar months after particulars of the compensation, superannuation, or allowance proposed to be so granted shall have been laid before both Houses of Parliament.

Provided always, and be it Enacted, That within the first fourteen sitting days after the first meeting of Parliament in every year, there be laid before both Houses of Parliament the particulars of all Compensations, Superannuations, and

and Allowances so granted, and of the salaries and allowances directed to be paid to such officers as may be appointed by the said Board as aforesaid during the preceding year.

And be it Enacted, That from and after the said Twenty-second day of April One thousand eight hundred and Thirty-four, all the Bond Debt of the said Company in *Great Britain*, and all the Territorial Debt of the said Company in *India*, and all other Debts which shall on that day be owing by the said Company, and all sums of money, costs, charges, and expenses, which, after the said Twenty-second day of April One thousand eight hundred and Thirty-four, may become payable by the said Company, in respect or by reason of any covenants, contracts, or liabilities then existing, and all debts, expences, and liabilities whatever, which after the same day shall be lawfully contracted and incurred on account of the Government of the said Territories, and all payments by this Act directed to be made, shall be charged and chargeable upon the Revenues of the said Territories; and that neither any Stock or Effects which the said Company may hereafter have to their own use, nor the Dividend by this Act secured to them, nor the Directors, or Proprietors of the said Company, shall be liable to or chargeable with any of the said debts, payments, or liabilities,

Provided always and be it Enacted, That so long as the possession and government of the said Territories shall be continued to the said Company, all persons and bodies politic shall and may have and take the same suits, remedies, and proceedings legal and equitable against the said Company, in respect of such debts and liabilities as aforesaid, and the property vested in the said Company in Trust, as aforesaid, shall be subject and liable to the same judgments and executions, in the same manner and form, respectively, as if the said property were hereby continued to the said Company to their own use.

And be it Enacted, That out of the Revenues of the said Territories, there shall be paid to or retained by the said Company to their own use, a yearly Dividend after the rate of Ten Pounds Ten Shillings per centum per annum on the present amount of their Capital Stock: the said Dividend to be payable in *Great Britain* by equal half-yearly payments, on the Sixth day of January and the Sixth day of July in every year: the first half-yearly payment to be made on the Sixth day of July One thousand eight hundred and Thirty-four.

Provided always and be it Enacted, That the said Dividend shall be subject to Redemption by Parliament upon and at any time after the Thirtieth day of April One thousand eight hundred and Seventy-four, on payment to the Company of Two hundred pounds sterling for every One hundred pounds of the said

8.
Company's Debts
and Liabilities
charged on India.

9.
While India is under
the Government of
the Company, their
property to be sub-
ject to execution as
if continued to them
for their own use.

10.
A Dividend of
£10. 10s. per cent.
per annum to be paid
on the Company's
Stock by half-yearly
payments in Great
Britain.

11.
The Dividend sub-
ject to redemption
by Parliament after
the 30th of April
1874, on payment of
£200 for £100
Stock.

Twelve months' notice of redemption to be given by the Speaker.

Capital Stock, together with a proportionate part of the same Dividend if the Redemption shall take place on any other day than one of the said half-yearly days of payment: Provided also, That Twelve months' notice in writing, signified by the Speaker of the House of Commons, by the order of the House, shall be given to the said Company of the intention of Parliament to redeem the said Dividend.

12.
If the Company be deprived by Parliament of the government of the Government of India, they may demand redemption of the Dividend at the same rate, to be provided for within three years after demand

Provided always and be it Enacted, That if on or at any time after the said Thirtieth day of April One thousand eight hundred and Fifty-four, the said Company shall by the expiration of the term hereby granted cease to retain, or shall by the authority of Parliament be deprived of the Possession and Government of the said Territories, it shall be lawful for the said Company, within one year thereafter, to demand the Redemption of the said Dividend, and provision shall be made for redeeming the said Dividend, after the rate aforesaid, within Three years after such demand.

13.
Company to pay to the Commissioners, for Reduction of National Debt £2,000,000.

And be it Enacted, That there shall be paid by the said Company into the Bank of *England*, to the account of the Commissioners for the Reduction of the National Debt, such sums of money as shall in the whole amount to the sum of Two millions sterling, with compound interest after the rate of Three pounds Ten shillings per centum per annum, computed half-yearly from the said Twenty-second day of April One thousand eight hundred and Thirty-four, on so much of the said sums as shall from time to time remain unpaid: And the Cashiers of the said Bank shall receive all such sums of money, and place the same to a separate account with the said Commissioners, to be intituled "The Account of the Security Fund of the *India Company*:" And that as well the monies so paid into the said Bank, as the Dividends or Interest which shall arise therefrom, shall from time to time be laid out, under the direction of the said Commissioners, in the purchase of Capital Stock in any of the redeemable public Annuities transferable at the Bank of *England*; which Capital Stock so purchased shall be invested in the names of the said Commissioners, on account of the said Security Fund, and the Dividends payable thereon shall be received by the said Cashiers and placed to the said account, until the whole of the sums so received on such account shall have amounted to the sum of Twelve millions sterling: And the said Monies, Stock, and Dividends or Interest, shall be a Security Fund, for better securing to the said Company the redemption of their said Dividend, after the rate hereinbefore appointed for such redemption.

To be placed to the account of the Security Fund of the *India Company*.

The Monies and Dividends to be laid out in Government Securities, and the Dividends to be placed to same account until the Monies received on such account shall amount to Twelve Millions.

The Fund to be a Security Fund for better securing the redemption of the Dividend.

14.
Commissioners for the reduction of the National Debt, upon

Provided always and be it Enacted, That it shall be lawful for the said Commissioners for the Reduction of the National Debt from time to time,

and

and they are hereby required, upon requisition made for that purpose by the Court of Directors of the said Company, to raise and pay to the said Company such sums of money as may be necessary for the payment of the said Company's Dividend, by reason of any failure or delay of the Remittances of the proper funds for such payment; such sums of money to be raised by sale or transfer or deposit by way of mortgage of a competent part of the said Security Fund, according as the said Directors, with the approbation of the said Board, shall direct to be repaid into the Bank of *England*, to the account of the Security Fund, with interest, after such rate as the Court of Directors, with the approbation of the said Board, shall fix, out of the Remittances which shall be made for answering such Dividend, as and when such Remittances shall be received in *England*.

Provided always and be it Enacted, That all Dividends on the Capital Stock forming the said Security Fund accruing after the monies received by the said Bank to the account of such Fund shall have amounted to the sum of Twelve millions sterling, until the said Fund shall be applied to the Redemption of the said Company's Dividend, and also all the said Security Fund, or so much thereof as shall remain after the said Dividend shall be wholly redeemed after the rate aforesaid, shall be applied in aid of the Revenues of the said Territories.

And be it Enacted, That the said Dividend on the Company's Capital Stock shall be paid or retained, as aforesaid, out of such part of the revenues of the said Territories as shall be remitted to *Great Britain*, in preference to all other charges payable thereout in *Great Britain*; and that the said sum of Two millions sterling shall be paid, in manner aforesaid out of any sums which shall on the said Twenty-second day of April One thousand eight hundred and Thirty-four be due to the said Company from the Public, as and when the same shall be received and out of any monies which shall arise from the sale of any Government Stock on that day belonging to the said Company, in preference to all other payments thereout; and that, subject to such provisions for priority of charge, the revenues of the said Territories, and all monies which shall belong to the said Company on the said Twenty-second day of April One thousand eight hundred and Thirty-four, and all monies which shall be thereafter received by the said Company from and in respect of the property and rights vested in them in trust as aforesaid, shall be applied to the service of the Government of the said Territories, and in defraying all charges and payments by this Act created or confirmed and directed to be made, respectively, in such order as the said Court of Directors, under the control of, the said Board, shall from time to time direct, anything in any other Act or Acts contained to the contrary notwithstanding.

requisition of Court, may raise money necessary for paying the Dividend by reason of failure or delay of remittance of proper funds, to be repaid when remittances are received.

15.

The Dividend of the Security Fund, when complete, and until redemption of Dividend, and the Fund itself after redemption, or so much as may not be applied for redemption, to be applied in aid of Revenues.

16.

Company's Dividends to be paid out of Revenues in preference to other charges in *Great Britain*.

The £2,000,000 to be paid out of debt due from the Public and by sale of Company's Government Stock,

subject to such Priorities, Revenues, and Monies generally to be applied for the service of India and purposes of this Act, under control of Board.

And

17.
Power to the King
to appoint Commis-
sioners for the Affairs
of India.

And be it Enacted, That it shall and may be lawful for His Majesty, by any Letters-Patent; or by any Commission or Commissions to be issued under the Great Seal of *Great Britain*, from time to time, to nominate, constitute, and appoint, during pleasure, such persons as His Majesty shall think fit to be, and who shall accordingly be and be styled, Commissioners for the Affairs of *India*; and every enactment, provision, matter, and thing relating to the Commissioners for the Affairs of *India*, in any other Act or Acts contained, so far as the same are in force and not repealed by or repugnant to this Act, shall be deemed and taken to be applicable to the Commissioners to be nominated as aforesaid.

18.
The Lord President
of the Council, the
Lord Privy Seal, the
First Lord of the
Treasury, the three
Secretaries of State,
and Chancellor of
the Exchequer, to be
ex officio Commis-
sioners.

And be it Enacted, That the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the principal Secretaries of State, and the Chancellor of the Exchequer for the time being, shall, by virtue of their respective offices, be, and they are hereby declared to be Commissioners for the Affairs of *India*, in conjunction with the persons to be nominated in any such Commission as aforesaid, and they shall have the same powers respectively as if they had been expressly nominated in such Commission in the order in which they are herein mentioned next after the Commissioner first named therein.

19.
Two Commis-
sioners may form a
Board.

The first named
Commissioner to be
President: in his
absence the next
Commissioner to
preside.

And be it Enacted, That any two or more of the said Commissioners shall and may form a Board for executing the several powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the Commissioners for the Affairs of *India*; and that the Commissioner first named in any such Letters Patent or Commission, for the time being, shall be the President of the said Board; and that when any Board shall be formed in the absence of the President, the Commissioner next in order of nomination in this Act, or in the said Commission, of those who shall be present, shall for that turn preside at the said Board.

20.
President and occa-
sional President to
have the casting vote.

And be it Enacted, That if the Commissioners present at any Board shall be equally divided in opinion with respect to any matter by them discussed, then and on every such occasion, the President, or in his absence the Commissioner acting as such, shall have Two voices or the casting vote.

21.
The Board to appoint
two Secretaries and
other Officers.

And be it Enacted, That the said Board shall and may nominate and appoint Two Secretaries, and such other Officers as shall be necessary to attend upon the said Board, who shall be subject to dismissal at the pleasure of the said Board; and each of the said Secretaries shall have the same powers, rights, and privileges, as by any Act or Acts now in force are vested in the Chief Secretary of the Commissioners for the Affairs of *India*; and that the President of the said Board, but no other Commissioner as such, and the said Secretaries and other Officers,

President, Secreta-
ries, and Officers to
be paid such Salaries
as the Crown shall
direct.

Officers, shall be paid by the said Company such fixed salaries as His Majesty shall, by any warrant or warrants under his Sign Manual, countersigned by the Chancellor of the Exchequer for the time being, direct.

And be it Enacted, That if at any time the said Board shall deem it expedient to require their Secretaries and other Officers of the said Board, or any of them, to take an oath of secrecy, and for the execution of the duties of their respective stations, it shall be lawful for the said Board to administer such oath as they shall frame for the purpose.

And be it Enacted, That the said Board shall have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns of the said Company, which in anywise relate to or concern the Government or Revenues of the said Territories, or the property hereby vested in the said Company; in trust as aforesaid, and all grants of salaries, gratuities, and allowances, and all other payments and charges whatever, out of or upon the said Revenues and Property respectively, except as hereinafter is mentioned.

And be it Enacted, That if, upon the occasion of taking any ballot on the election of a Director or Directors of the said Company, any Proprietor, who shall be resident within the United Kingdom, shall, by reason of absence, illness, or otherwise, be desirous of voting by letter of Attorney, he shall be at liberty so to do; provided that such letter of Attorney shall, in every case, express the name or names of the Candidate or Candidates for whom such Proprietor shall be so desirous of voting, and shall be executed within Ten days next before such election; And the Attorney constituted for such purpose shall, in every case, deliver the vote he is so directed to give openly to the person or persons who shall be authorized by the said Company to receive the same; And every such vote shall be accompanied by an affidavit or affirmation to be made before a Justice of the Peace by the Proprietor directing the same so to be given, to the same or the like effect as the oath or affirmation now taken by Proprietors voting upon ballots at General Courts of the said Company and in which such Proprietor shall also state the day of the execution of such letter of attorney; And any person making a false oath or affirmation before a Justice of Peace for the purpose aforesaid, shall be held to have thereby committed wilful perjury, and if any person do unlawfully or corruptly procure or suborn any other person to take the said oath or affirmation before a Justice of the Peace, as aforesaid, whereby he or she shall commit such wilful perjury, and shall thereof be

22.
Secretaries and
Officers to take
Oaths, if required by
the Board.

23.
The Board of Com-
missioners to control
all acts concerning
India, and the sale
of property

24.
Proprietors may vote
by Attorney.

be convicted, he, she, or they, for every such offence, shall incur such pains and penalties as are or may be provided by Law against subornation of perjury.

25.
So much of the Act of 13 Geo. III. c. 63, as enacts that no person employed in the East-Indies shall be chosen as a Director until he shall have been resident in England for two years, repealed.

If the Court, with consent of Board, declare such person to be an accountant with the Company with unsettled accounts, or that a charge against him is under the Court's consideration, he shall be ineligible for two years, unless accounts be sooner settled or charge decided on.

26.
Court to deliver to Board copies of all Minutes and proceedings of Courts of Proprietors and Directors within eight days, and copies of all letters and dispatches, which shall be material, or required.

27.
No official communications to be sent by the Court until approved by the Board.

And be it Enacted, That so much of the Act of the thirteenth year of the reign of King George the Third, intituled "An Act for establishing certain regulations for the better management of the affairs of the *East-India* Company "as well in *India* as in *Europe*," as enacts that no person employed in any Civil or Military Station in the *East-Indies*, or claiming or exercising any power, authority, or jurisdiction therein, shall be capable of being appointed or chosen into the office of Director, until such person shall have returned to, and been resident in *England* for the space of two years, shall be, and is hereby repealed : Provided that if the said Court of Directors, with the consent of the said Board, shall declare such person to be an accountant with the said Company, and that his accounts are unsettled, or that a charge against such person is under the consideration of the said Court, such person shall not be capable of being chosen into the office of Director for the term of two years after his return to *England*, unless such accounts shall be settled, or such charge be decided on, before the expiration of the said term.

And be it further Enacted, That the said Court of Directors shall, from time to time, deliver to the said Board copies of all Minutes, Orders, Resolutions, and proceedings of all Courts of Proprietors, general or special, and of all Courts of Directors, within Eight days after the holding of such Courts respectively, and also copies of all Letters, Advices, and Dispatches whatever, which shall at any time or times be received by the said Court of Directors or any Committee of Directors, and which shall be material to be communicated to the said Board, or which the said Board shall from time to time require.

And be it Enacted, That no orders, instructions, dispatches, official letters or communications whatever, relating to the said Territories or the Government thereof, or to the property or rights vested in the said Company, in trust as aforesaid, or to any public matters whatever, shall be at any time sent or given by the said Court of Directors, or any Committee of the said Directors, until the same shall have been submitted for the consideration of and approved by the said Board ; and for that purpose, that copies of all such orders, instructions, dispatches, official letters or communications, which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent or given, shall be by them previously laid before the said Board, and that within the space of Two months after the receipt of such proposed orders, instructions, dispatches, official

official letters or communications, the said Board shall either return the same to the said Court of Directors or Committee of Directors, with their approbation thereof, signified under the hand of one of the Secretaries of the said Board by the order of the said Board; or if the said Board shall disapprove, alter, or vary in substance, any of such proposed orders, instructions, dispatches, official letters or communications, in every such case the said Board shall give to the said Directors, in writing, under the hand of one of the Secretaries of the said Board, by order of the said Board, their reasons in respect thereof, together with their directions to the said Directors in relation thereto; and the said Directors shall, and they are hereby required forthwith to send the said orders, instructions, dispatches, official letters or communications, in the form approved by the said Board, to their proper destinations: Provided always, That it shall be lawful for the said Board, by Minutes from time to time to be made for that purpose and entered on the Records of the said Board, and to be communicated to the said Court, to allow such classes of orders, instructions, dispatches, official letters or communications as shall in such Minutes be described, to be sent or given by the said Court without having been previously laid before the said Board.

except such classes of Communications as the Board may allow

And be it Enacted, That whenever the said Court of Directors shall omit to prepare and submit for the consideration of the said Board any orders, instructions, dispatches, official letters, or communications, beyond the space of Fourteen days after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said Directors any orders, instructions, dispatches, official letters or communications, together with their directions relating thereto; and the said Directors shall, and they are hereby required forthwith to transmit the same to their proper destinations.

28.

Board may require Court to frame official communications, and if Court omit to do so for fourteen days after requisition, the Board may prepare them: the Court to send the same to their proper destinations.

Provided always and be it Enacted, That nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Directors from expressing, within Fourteen Days, by representation in writing to the said Board, such remarks, observations, or explanations, as they shall think fit, touching or concerning any directions which they shall receive from the said Board; and that the said Board shall, and they are hereby required to take every such representation, and the several matters therein contained or alleged, into their consideration, and to give such further Directions thereupon as they shall think fit and expedient, which shall be final and conclusive upon the said Directors.

29.

Representations may within Fourteen days be made by Court as to proposed official communications disapproved or altered by Board. Board, after considering such representations, to give final orders.

And be it Enacted, That if it shall appear to the said Court of Directors that

30.

If Court think the orders of Board con-

trary to law, the Court of King's Bench may certify their opinion on any case which may be agreed upon. Such opinion to be conclusive.

31.

Nothing in this Act to extend to empower the Board to appoint officers of the Company, or to interfere with home officers.

32.

Directors to appoint a Secret Committee, who shall take the following

that any orders, instructions, dispatches, official letters, or communications, upon which directions may be so given by the said Board as aforesaid, are contrary to law, it shall be in the power of the said Board and the said Court of Directors to send a special case, to be agreed upon by and between them, and to be signed by the President of the said Board and the Chairman of the said Company, to His Majesty's Court of King's Bench, for the opinion of the said Court; and the said Court are hereby required to certify their opinion upon any case so submitted to them, and to send a certificate thereof to the said President and Chairman, which opinion shall be final and conclusive.

Provided always, and be it Enacted and Declared, That the said Board shall not have the power of appointing any of the Servants of the said Company, or of directing or interfering with the Officers and Servants of the said Company employed in their Home Establishment; nor shall it be necessary for the said Court of Directors to submit for the consideration of the said Board their communications with the officers or servants employed in their said Home Establishment, or with the Legal Advisers of the said Company.

And be it Enacted, That the said Court of Directors shall from time to time appoint a Secret Committee, to consist of any number not exceeding Three of the said Directors, for the particular purposes in this Act specified; which said Directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an Oath of the tenor following (that is to say);—

Oath.

“I, (A. B.) do swear, that I will, according to the best of my skill and judgment, faithfully execute the several trusts and powers reposed in me as a member of the Secret Committee appointed by the Court of Directors of the *India* Company; I will not disclose or make known any of the secret orders, instructions, dispatches, official letters, or communications, which shall be sent or given to me by the Commissioners for the Affairs of *India*, save only to the other members of the said Secret Committee, or to the person or persons who shall be duly nominated and employed in transcribing or preparing the same, respectively, unless I shall be authorized by the said Commissioners to disclose and make known the same. So help me God.”

which said Oath shall and may be administered by the several and respective Members of the said Secret Committee to each other; and being so by them taken and subscribed, shall be recorded by the Secretary or Deputy Secretary

of

of the said Court of Directors for the time being amongst the acts of the said Court.

Provided also and be it Enacted, That if the said Board shall be of opinion that the subject-matter of any of their deliberations, concerning the levying war or making peace, or treating or negotiating with any of the Native Princes or States in *India*, or with any other Princes or States, intended to be communicated in orders, dispatches, official letters or communications to any of the Governments or Presidencies in *India*, or to any officers or servants of the said Company, shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders, dispatches, official letters or communications to the Secret Committee of the said Court of Directors, to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same according to the tenor thereof, or pursuant to the directions of the said Board, to the respective Governments and Presidencies, officers and servants; and that the said Governments and Presidencies, officers and servants, shall be bound to pay a faithful obedience thereto, in like manner as if such orders, dispatches, official letters or communications had been sent to them by the said Court of Directors.

And be it Enacted, That the said Court of Directors shall, before the twenty-second day of April One thousand eight hundred and thirty-four, and afterwards from time to time so often as reductions of the establishment of the said Court or other circumstances may require, frame and submit to the said Board an estimate of the gross sum which will be annually required, for the salaries of the Chairman, Deputy Chairman and Members of the said Court, and the Officers and Secretaries thereof, and all other proper expenses fixed and contingent thereof, and of General Courts of Proprietors, and such estimate shall be subject to reduction by the said Board, so that the reasons for such reduction be given to the said Court of Directors; and any sum not exceeding the sum mentioned in such estimate, or (if the same shall be reduced) in such reduced estimate, shall be annually applicable, at the discretion of the Court of Directors, to the payment of the said salaries and expenses; and it shall not be lawful for the said Board to interfere with, or control the particular application thereof, or to direct what particular salaries or expenses shall from time to time be increased or reduced: Provided always, That such and the same accounts shall be kept and rendered of the sums to be applied in defraying the salaries and expenses aforesaid, as of the other branches of the expenditure of the said Company.

And be it Enacted, That the territories now subject to the Government of the Presidency of *Fort William* in *Bengal* shall be divided into two distinct Presidencies;

33.
If the Board are of opinion that any matters wherein Indian or other states are concerned require secrecy, the Board may send official communications through Secret Committee.

31.
The Court to submit to the Board an estimate of Salaries of Directors and other Expenses of the India-House.

The Estimates subject to reduction by the Board.

The gross sum to be applicable at the discretion of the Court of Directors for such purposes.

Accounts of application to be rendered.

35.
The present Presidency of *Fort William*, in *Bengal*, to be divided into two

Presidencies; one to be styled the Presidency of Fort William in Bengal, the other the Presidency of Agra.

The Court to declare the limits, from time to time, of the four Presidencies.

The government of India vested in a Governor General and Members of Council.

37.

Five to be ordinary Counsellors, Four to be servants of the Company, and to have served ten years.

Any ordinary Member of Council in the military service not to hold any command.

The fifth ordinary Member of Council to be appointed with the approbation of the King, not from the Company's servants.

38.

The person who shall be Governor-General on the 22d April 1834, to be Govern-

Presidencies; one of such Presidencies, in which shall be included *Fort William* aforesaid, to be styled the Presidency of *Fort William*, in *Bengal*, and the other of such Presidencies to be styled the Presidency of *Agra*; and that it shall be lawful for the said Court of Directors, under the control by this Act provided, and they are hereby required to declare and appoint what part or parts of any of the territories, under the Government of the said Company, shall from time to time be subject to the Government of each of the several Presidencies, now subsisting or to be established as aforesaid, and from time to time, as occasion may require, to revoke and alter, in the whole or in part, such appointment, and to make such new distribution of the same as shall be deemed expedient.

And be it Enacted, That the whole Civil and Military Government of all the said Territories and Revenues in India shall be, and is hereby vested in a Governor-General and Counsellors, to be styled "The Governor-General of India in Council."

And be it Enacted, That there shall be Five ordinary Members of the said Council, Four of whom shall from time to time be appointed by the said Court of Directors from amongst such persons as shall be, or shall have been, Servants of the said Company; and each of the said Four ordinary Members of Council shall, at the time of his appointment, have been in the service of the said Company for at least Ten years; and if he shall be in the Military Service of the said Company, he shall not, during his continuance in office as a Member of Council, hold any Military Command, or be employed in actual Military Duties; and that the fifth ordinary Member of Council shall from time to time be appointed from amongst persons who shall not be Servants of the said Company by the said Court of Directors, subject to the approbation of His Majesty to be signified in writing by his Royal Sign-Manual, countersigned by the President of the said Board; and it shall be lawful for the said Court of Directors to appoint the Commander-in-Chief of the Company's Forces in *India*, and if there shall be no such Commander-in-Chief, or the offices of such Commander-in-Chief and of Governor-General of *India* shall be vested in the same person, then the Commander-in-Chief of the Forces on the *Bengal* establishment to be an extraordinary Member of the said Council, and such extraordinary Member of Council shall have rank and precedence at the Council Board next after the Governor-General.

And be it Enacted, That the person who shall be Governor General of the Presidency of *Fort William* in *Bengal* on the twenty-second day of April One thousand

thousand eight hundred and thirty-four, shall be the first Governor General of *India* under this Act; and such persons as shall be Members of Council of the same Presidency on that day, shall be respectively Members of the Council constituted by this Act.

And be it Enacted, That all vacancies happening in the office of Governor General of *India*, shall from time to time be filled up by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by His Royal Sign-Manual, countersigned by the President of the said Board.

And be it Enacted, That the said Governor General in Council shall have power to make Laws and Regulations for repealing, amending, or altering any Laws or Regulations whatever now in force, or hereafter to be in force, in the said Territories or any part thereof, and to make Laws and Regulations for all persons, whether *British* or Native, Foreigners or others, and for all Courts of Justice, whether established by His Majesty's Charters or otherwise, and the jurisdictions thereof, and for all places and things whatsoever, within and throughout the whole and every part of the said Territories, and for all servants of the said Company within the dominions of Princes and States in alliance with the said Company; save and except that the said Governor General in Council shall not have the power of making any Laws or Regulations which shall in any way repeal, vary, suspend, or affect any of the provisions of this Act, or any of the provisions of the Acts for punishing Mutiny and Desertion of Officers and Soldiers, whether in the service of His Majesty or the said Company, or any provisions of any Act hereafter to be passed, in any wise affecting the said Company or the said Territories or the Inhabitants thereof, or any Laws or Regulations which shall in any way affect any prerogative of the Crown or the authority of Parliament, or the Constitution or Rights of the said Company, or any part of the unwritten Laws or Constitution of the United Kingdom of *Great Britain* and *Ireland*, whereon may depend, in any degree, the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said Territories.

Provided always, and be it Enacted, That in case the said Court of Directors, under such control as by this Act is provided, shall signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor General in Council made; then and in every such case, upon receipt by the said Governor General in Council of notice of such disallowance,

non-General under this Act.
The Members of Council, on 22d April 1834, to be Members of Council under this Act.

39.
Vacancies in the office of Governor-General to be filled up by Court of Directors, subject to the King's approbation.

40.
Except as mentioned, the Governor-General in Council empowered to legislate for India.

41.
If the Court of Directors disallow the Laws, Governor in Council to repeal them.

disallowance, the said Governor General in Council shall forthwith repeal all Laws and Regulations so disallowed.

42. All such Laws and Regulations, until repealed, to be of the same force as any Act of Parliament.

Provided also, and be it Enacted, That all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect, within and throughout the said Territories, as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories, in the same manner as any public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

Registration in Supreme Court unnecessary.

43. No power in Governor-General to empower any Court of Justice, other than the King's Courts, to punish with death European subjects or their children, or to abolish the King's Courts, without previous sanction of the Directors.

Provided also, and be it Enacted, That it shall not be lawful for the said Governor-General in Council, without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power shall be given to any Courts of Justice, other than the Courts of Justice established by His Majesty's Charters, to sentence to the punishment of Death any of His Majesty's natural-born Subjects born in *Europe*, or the children of such Subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

44. The Court to submit to the Board rules for the procedure of the Governor-General in Council.

Such rules to prescribe the modes of promulgation of laws and of the authentication of the proceedings of the Governor-General in Council. The Rules to be of the same force as if inserted in this Act, and to be laid before Parliament.

And be it Enacted, That the said Court of Directors shall forthwith submit, for the approbation of the said Board, such Rules as they shall deem expedient for the procedure of the Governor General in Council, in the discharge and exercise of all powers, functions, and duties imposed on or vested in him by virtue of this Act, or to be imposed or vested in him by any other Act or Acts; which Rules shall prescribe the modes of promulgation of any Laws or Regulations to be made by the said Governor-General in Council, and of the authentication of all acts and proceedings whatsoever of the said Governor General in Council; and such Rules, when approved by the said Board of Commissioners, shall be of the same force as if they had been inserted in this Act: Provided always, That such Rules shall be laid before both Houses of Parliament in the Session next after the approval thereof.

45. Quorum of Governor-General in Council for making laws, the Governor-General and three of the ordinary Members. For all other duties, Governor-General and one ordinary Member. The Governor-General to have the casting vote.

Provided always and be it Enacted, That all Laws and Regulations shall be made at some meeting of the Council, at which the said Governor General and at least Three of the ordinary Members of Council shall be assembled; and that all other functions of the said Governor General in Council may be exercised by the said Governor General and one or more ordinary Member or Members of Council; and that in every case of difference of opinion at Meetings of the said Council, where there shall be an equality of voices, the said Governor General shall have Two Votes or the casting Vote.

Provided

Provided always, and be it Enacted, That when and so often as any measure shall be proposed before the said Governor General in Council, whereby the safety or tranquillity of the *British* Possessions in *Indiq*, or any part thereof, are or may be, in the judgment of the said Governor General, essentially affected, and the said Governor General shall be of opinion, either that the measure so proposed ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the majority in Council then present shall differ in and dissent from such opinion, the said Governor General and Members of Council are hereby directed forthwith mutually to exchange with and communicate to each other, in writing under their respective hands, to be recorded at large on their Secret Consultations, the grounds and reasons of their respective opinions; and if, after considering the same, the said Governor General and the majority in Council shall still differ in opinion, it shall be lawful for the said Governor General of his own authority and on his own responsibility to suspend or reject the measure so proposed, in part or in whole, or to adopt and carry the measure so proposed into execution, as the said Governor General shall think fit and expedient.

And be it Enacted, That the said Council shall from time to time assemble, at such place or places as shall be appointed by the said Governor General, within the said territories; And that as often as the said Council shall assemble within any of the Presidencies of *Fort Saint George*, *Bombay*, or *Agra*, the Governor of such Presidency shall act as an extraordinary Member of Council.

Provided always and be it Enacted, That nothing herein contained shall extend to affect in any way the right of Parliament to make Laws for the said Territories and for all the Inhabitants thereof: And it is expressly declared, That a full, complete, and constantly existing right and power is intended to be reserved to Parliament, to control, supersede, or prevent all proceedings and acts whatsoever of the said Governor General in Council, and to repeal and alter, at any time, any Law or Regulation whatsoever made by the said Governor General in Council, and in all respects to legislate for the said Territories and all the Inhabitants thereof, in as full and ample a manner as if this Act had not been passed: And the better to enable Parliament to exercise at all times such right and power, all Laws and Regulations made by the said Governor General in Council shall be transmitted to *England* and laid before both Houses of Parliament, in the same manner as is now by law provided, concerning the Rules and Regulations made by the several Governments in *India*.

And be it Enacted, That all enactments, provisions, matters, and things relating

46.

When any measure proposed, whereby the safety or peace of India may be essentially affected, and the Governor-General shall think it expedient to adopt or reject such measure, and the Members of Council shall differ in opinion from him, the Governor-General and Majority in Council to interchange the reasons; and if, after consideration, the majority in Council shall still differ, the Governor-General to have the right of decision, and his orders to be obeyed.

47.

Council to assemble at any place in India.

48.

Nothing in this Act to affect the right of Parliament to legislate for India.

Express reservation to Parliament to control all acts whatsoever of Governor-General in Council.

Laws and Regulations to be laid before Parliament.

49.

All enactments relating to Supreme

Government shall apply to Governor General of India in Council.

50.

A Law Commission to be appointed to supply information and suggestions, for improving judicial establishments and police, and for consolidating and amending the Laws.

relating to the Governor General of *Fort William* in *Bengal*, in Council, in any other Act or Acts contained, so far as the same are now in force and not repealed by or repugnant to the provisions of this act, shall continue and be in force and be applicable to the Governor General of *India* in Council.

AND whereas it is expedient, that, subject to such special arrangements as local circumstances may require, a general system of Judicial Establishments and Police, to which all persons whatsoever, as well Europeans as Natives, may be subject, should be established in the said Territories at an early period; and that such Laws as may be applicable in common to all classes of the Inhabitants of the said Territories, due regard being had to the rights, feelings, and peculiar usages of the People, should be enacted, and that all Laws and Customs having the force of law within the same Territories, should be ascertained and consolidated, and as occasion may require amended; BE it therefore Enacted, that the said Governor-General of *India* in Council shall, as soon as conveniently may be after the passing of this Act, issue a Commission and from time to time Commissions to such persons as the said Court of Directors with the approbation of the said Board of Commissioners shall recommend for that purpose, and to such other persons, if necessary, as the said Governor-General in Council shall think fit, all such persons not exceeding in the whole at any one time Five in number, and to be styled "THE INDIAN LAW COMMISSIONERS," with all such powers as shall be necessary for the purposes hereinafter mentioned; and the said Commissioners shall fully enquire into the Jurisdiction, Powers, and Rules of the existing Courts of Justice and Police Establishments in the said Territories, and all existing forms of judicial procedure, and into the nature and operation of all laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject; And the said Commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said Courts of Justice and Police Establishments, forms of Judicial procedure and Laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said Territories.

51.

The Law Commissioners to follow the instructions of the Governor-General in Council, and to make

And be it Enacted, That the said Commissioners shall follow such Instructions, with regard to the researches and enquiries to be made, and the places to be visited by them, and all their transactions with reference to the objects of
 • their

their Commission, as they shall from time to time receive from the said Governor General of *India* in Council; and they are hereby required to make to the said Governor General in Council such special reports upon any matters as by such instructions may from time to time be required; and the said Governor General in Council shall take into consideration the Reports from time to time to be made by the said *Indian* Law Commissioners, and shall transmit the same, together with the opinions or resolutions of the said Governor General in Council thereon, to the said Court of Directors; and which said Reports, together with the said Opinions or Resolutions, shall be laid before both Houses of Parliament, in the same manner as is now by Law provided concerning the Rules and Regulations made by the several Governments in *India*.

special reports when required.

Governor General in Council to consider reports, and transmit to Court of Directors their opinions thereon.

And be it Enacted, That it shall and may be lawful for the Governor General of *India* in Council to grant salaries to the said *Indian* Law Commissioners and their necessary officers and attendants, and to defray such other expences as may be incident to the said Commission, and that the salaries of the said Commissioners shall be according to the highest scale of remuneration given to any of the officers or servants of the *India* Company below the rank of Members of Council.

52.
Salaries to be granted to Law Commissioners.

And be it Enacted, That the executive Government of each of the several Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra*, shall be administered by a Governor, and that the Governor-General of *India* for the time being shall be the Governor of the Presidency of *Fort William* in *Bengal*.

53.
The Executive Government of the Presidencies to be administered by the Governors.

Provided always, and be it Enacted, That it shall be lawful for the said Court of Directors to appoint a Council in any Presidency, where the said Court, with the sanction and approbation of the said Board, shall resolve that the Governor be assisted by a Council, and in case of the appointment of such a Council in any Presidency, the executive Government of such Presidency shall be administered by the Governor and Counsellors thereof, to be styled "The Governor in Council of the said Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, or *Agra* respectively;" and the said Governor and Counsellors respectively of each such Presidency shall have the same rights and voices in their assemblies, and shall observe the same order and course in their proceedings as the Governors in Council of the Presidencies of *Fort Saint George* and *Bombay* respectively now have and observe.

54.
Power to Directors to appoint Councils.

And be it Enacted, That the several persons who, on the said Twenty-second day

55.
The Governors of Madras and Bombay,

on 22d April 1834, to be the first Governors of those Presidencies under this Act, and the office of Governor of the Presidency of Agra, and vacancies in that and other Presidencies shall be filled up by the Court, subject to the approbation of the King.

56.

The Governors of the Presidencies to have the powers and immunities of the present Governors of Madras and Bombay;

but not to make Laws or grant Money.

57.

If Court of Directors neglect for two months to supply vacancy in any office, the King to appoint.

day of April One thousand eight hundred and Thirty-four, shall be Governors of the respective Presidencies of *Fort Saint George* and *Bombay*, shall be the first Governors of the said Presidencies, respectively, under this Act; and that the office of Governor of the said Presidency of *Agra*, and all vacancies happening in the offices of the Governors of the said Presidencies, respectively, shall be filled up by the said Court of Directors, subject to the approbation of His Majesty, to be signified under his Royal Sign-Manual, countersigned by the said President of the said Board of Commissioners.

And be it Enacted, That in the Presidencies in which no Council shall be appointed under the provision hereinbefore contained, the Governors appointed under this Act, and in the Presidencies in which Councils shall be appointed, the said Governors in their respective Councils shall have all the Rights, Powers, Duties, Functions and Immunities whatsoever, not in anywise repugnant to this Act, which the Governors of *Fort Saint George* and *Bombay*, in their respective Councils, now have within their respective Presidencies; and that the Governors and Members of Council of Presidencies appointed by or under this Act, shall severally have all the Rights, Powers and Immunities respectively, not in anywise repugnant to this Act, which the Governors and Members of Council of the Presidencies of *Fort Saint George* and *Bombay* respectively now have in their respective Presidencies: Provided, That no Governor or Governor in Council shall have the power of making or suspending any Regulations or Laws in any case whatever, unless in cases of urgent necessity (the burthen of the proof whereof shall be on such Governor or Governor in Council), and then only until the decision of the Governor General of *India* in Council shall be signified thereon; and provided also, that no Governor or Governor in Council shall have the power of creating any new Office, or granting any Salary, Gratuity, or Allowance without the previous sanction of the Governor-General of *India* in Council.

Provided always, and be it Enacted, That when and so often as the said Court of Directors shall neglect, for the space of Two calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in India in the appointment of the said Court shall have been received by the said Court, to supply such Vacancy, then and in every such case it shall be lawful for His Majesty to appoint, by writing under his Sign-Manual, such person as His Majesty shall think proper to supply such Vacancy; and that every person so appointed shall have the same powers, privileges, and authorities, as if he or they had been appointed by the said Court, and shall not

be

be subject to removal or dismissal without the approbation and consent of His Majesty.

And be it Enacted, That it shall be lawful for the said Court of Directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any Vacancy or Vacancies therein, when the same shall happen by the Death or Resignation of the person or persons holding the same office or offices respectively, or on his or their departure from India, with intent to return to Europe, or on any event or contingency expressed in any such provisional Appointment or Appointments to the same respectively, and such Appointments again to revoke: Provided that every provisional appointment to the several offices of Governor General of *India*, Governor of a Presidency, and the Member of Council of *India* by this Act directed to be appointed from amongst persons who shall not be servants of the said Company, shall be subject to the approbation of His Majesty, to be signified as aforesaid; but that no person so appointed to succeed provisionally to any of the said offices, shall be entitled to any authority, salary, or emolument appertaining thereto, until he shall be in the actual possession of such office.

And be it Enacted, That if any Vacancy shall happen in the office of Governor General of *India*, when no provisional or other Successor shall be upon the spot to supply such Vacancy, then and in every such case the ordinary Member of Council next in rank to the said Governor-General shall hold and execute the said office of Governor-General of *India* and Governor of the Presidency of *Fort William in Bengal*, until a Successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such acting Governor General shall, during the time of his continuing to act as such, have and exercise all the rights and powers of Governor-General of *India*, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting Governor General foregoing his salary and allowance of a Member of Council for the same period.

And be it Enacted, That if any Vacancy shall happen in the office of Governor of *Fort St. George, Bombay, or Agra*, when no provisional or other Successor shall be upon the spot to supply such Vacancy, then and in every such case, if there shall be a Council in the Presidency in which such Vacancy shall happen, the Member of such Council, who shall be next in rank to the Governor, and if there shall be no Council, then the Secretary of Government of the said Presidency, who shall be senior in the said Office of Secretary, shall hold and execute the said office of Governor, until a successor shall arrive, or until some other per-

58.
Power for the Court to make provisional appointments to any offices.

Provisional appointments of certain Officers to be approved by His Majesty.

59.
In case of vacancy in the office of Governor General, and no successor to a Governor General upon the spot, the ordinary Member of Council next in rank to act as Governor-General.

60.
In case of a vacancy in the office of Governor of any of the subordinate Presidencies, and no provisional or other successor on the spot: the Member of Council next in rank to the said Governor, if there be a Council, or the Senior Secretary if there shall be no

Council, to act as Governor, till the arrival of a Successor.

son on the spot shall be duly appointed thereto; and that every such Acting Governor shall, during the time of his continuing to act as such, receive and be entitled to the emoluments and advantages appertaining to the Office by him supplied, such acting Governor foregoing all Salaries and Allowances by him held and enjoyed at the time of his being called to supply such Office.

61.

In case of a vacancy in the office of a Member of Council when no provisional or other successor on the spot, the Governor General in Council or Governor in Council to appoint to the office temporarily.

And be it Enacted, That if any Vacancy shall happen in the office of an ordinary Member of Council of *India* when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion, such Vacancy shall be supplied by the appointment of the Governor General in Council; and if any Vacancy shall happen in the office of a Member of Council of any Presidency when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appointment of the Governor in Council of the Presidency in which such vacancy shall happen; and, until a successor shall arrive, the person so nominated shall execute the office by him supplied, and shall have all the powers thereof, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said Office during his continuance therein, every such temporary Member of Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such Office. Provided always, That no person shall be appointed a temporary Member of Council who might not have been appointed by the said Court of Directors to fill the Vacancy supplied by such temporary appointment.

62.

The Governor-General in Council to have the control over the Presidencies.

And be it further Enacted, That the said Governor General in Council shall have and be invested, by virtue of this Act, with full power and authority to superintend and control the Governors and Governors in Council of *Fort William* in *Bengal*, *Fort St. George*, *Bombay*, and *Agra*, in all points relating to the civil or military Administration of the said Presidencies respectively, and the said Governors and Governors in Council shall be bound to obey such orders and instructions of the said Governor General in Council in all cases whatsoever.

63.

Drafts of Laws proposed by Governors to be taken into consideration by Governor General in Council.

And be it Enacted, That it shall and may be lawful for the Governors or Governors in Council of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra* respectively, to propose to the said Governor General in Council drafts or projects of any Laws or Regulations which the said Governors, or Governors in Council respectively, may think expedient, together with their reasons for proposing the same; and the said Governor General in Council is hereby

hereby required to take the same and such reasons into consideration, and to communicate the resolutions of the said Governor General in Council thereon to the Governor or Governor in Council by whom the same shall have been proposed.

And be it Enacted, That when the said Governor General shall visit any of the Presidencies of *Fort Saint George, Bombay* or *Agra*, the powers of the Governors of those Presidencies, respectively, shall not, by reason of such visit, be suspended. ^{64.} When Governor General visits the Presidencies the powers of Governors not to be suspended.

And be it Enacted, That the said Governors and Governors in Council of the said Presidencies of *Fort William* in *Bengal*, *Fort Saint George, Bombay* and *Agra* respectively, shall, and they are hereby respectively required regularly to transmit to the said Governor General in Council true and exact copies of all such orders, proceedings, and acts of their respective Governments, and also advice and intelligence of all such transactions and matters as shall come to their knowledge, material to be communicated to the said Governor General in Council as aforesaid, or as the said Governor General in Council shall from time to time require. ^{65.} Communications to be transmitted by Governors to Governor General in Council.

And be it Enacted, That it shall be lawful for the said Governor General in Council, as often as the exigencies of the public service may appear to him to require, to appoint such one of the ordinary members of the said Council of *India* as he may think fit, to be Deputy Governor of the said Presidency of *Fort William* in *Bengal*; and such Deputy Governor shall be invested with all the powers and perform all the duties of the said Governor of the Presidency of *Fort William* in *Bengal*, but shall receive no additional salary by reason of such appointment. ^{66.} The Governor-General in Council may appoint a Deputy Governor of Bengal as often as exigencies may require.

And be it Enacted, That whenever the said Governor General in Council shall declare that it is expedient that the said Governor General should visit any part of *India*, unaccompanied by any Member or Members of the Council of *India*, it shall be lawful for the said Governor General in Council, previously to the departure of the said Governor General, to nominate some Member of the Council of *India*, to be President of the said Council, in whom, during the absence of the said Governor General from the said Presidency of *Fort William* in *Bengal*, the powers of the said Governor General in assemblies of the said Council shall be reposed: Provided always, That during the absence of the Governor General, no Law or Regulation shall be made by the said President and Council without the assent in writing of the said Governor General. ^{67.} Whenever the Governor-General in Council shall declare it expedient for the Governor-General to visit any part of India without his Council, they shall provide for the Presidency of the Council and the Government of the Presidency of Fort William, Assent of Governor-General necessary to any law made in his absence.

And be it Enacted, That there shall not, by reason of the division of ^{68.} The new Presidency of Agra not to affect the

the succession to
commands and of-
fices in Bengal and
Agra.

the Territories now subject to the Government of the Presidency of *Fort William* in *Bengal* into two Presidencies as aforesaid, be any separation between the establishments and forces thereof respectively, or any alteration in the course and order of promotion and succession of the Company's servants in the same two Presidencies respectively; but that all the servants, civil and military, of the *Bengal* establishments and forces, shall and may succeed and be appointed to all commands and offices within either of the said Presidencies respectively, as if this Act had not been passed.

69.

Presidency of *Fort William* to be entire for the purposes of the Mutiny Act.

And be it Enacted, That for the purposes of an Act passed in the fourth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the service of the *East-India* Company, and to authorize Soldiers and Sailors in the *East-Indies* to send and receive Letters at a reduced rate of Postage," and of any articles of war made or to be made under the same, the Presidency of *Fort William* in *Bengal* shall be taken and deemed to comprise under and within it all the Territories, which by or in virtue of this Act shall be divided between the Presidencies of *Fort William* in *Bengal* and *Agra* respectively; and shall, for all the purposes aforesaid, be taken to be the Presidency of *Fort William* in *Bengal* in the said Act mentioned.

70.

Articles of War to be made by Governor General in Council.

And be it Enacted, That it shall be lawful for the said Governor General in Council from time to time to make Articles of War for the government of the Native Officers and Soldiers in the military service of the Company, and for the administration of justice by courts-martial to be holden on such officers and soldiers, and such articles of war from time to time to repeal or vary and amend; And such articles of war shall be made and taken notice of in the same manner as all other the laws and regulations to be made by the said Governor General in Council under this Act; and shall prevail and be in force, and shall be of exclusive authority over all the Native Officers and Soldiers in the said Military Service, to whatever Presidency such Officers and Soldiers may belong, or wheresoever they may be serving; Provided nevertheless, that until such Articles of War shall be made by the said Governor General in Council, any Articles of War for or relating to the Government of the Company's Native Forces, which at the time of this Act coming into operation shall be in force and use in any part or parts of the said Territories, shall remain in force.

71.

Power to His Majesty to remove any officer of the Company.

And be it Enacted, That it shall be lawful for His Majesty, by any writing under his Sign-Manual, countersigned by the President of the said Board of Commissioners, to remove or dismiss any person holding any Office, Employment,

ment, or Commission, Civil or Military, under the said Company in India; and to vacate any Appointment or Commission of any person to any such Office or Employment: Provided, that a Copy of every such Writing, attested by the said President, shall, within Eight days after the same shall be signed by His Majesty, be transmitted or delivered to the Chairman or Deputy Chairman of the said Company.

Duplicate of the instrument of removal to be transmitted to the Chairman or Deputy Chairman.

Provided always and be it Enacted, That nothing in this Act contained shall take away the power of the said Court of Directors to remove or dismiss any of the Officers or Servants of the said Company, but that the said Court shall and may at all times have full liberty to remove or dismiss any of such Officers or Servants at their will and pleasure: Provided that any Servant of the said Company appointed by His Majesty through the default of appointment by the said Court of Directors, shall not be dismissed or removed without His Majesty's approbation, as hereinbefore is mentioned.

72.
The power of the Directors to remove their servants preserved.

And be it Enacted, That there shall be paid to the several Officers hereinafter named the several Salaries set against the names of such Officers, subject to such reduction of the said several Salaries respectively as the said Court of Directors, with the sanction of the said Board, may at any time think fit; (that is to say)

73.
Salaries of Governor General, &c. fixed, to be in lieu of all fees, &c.

To the Governor-General of *India*, Two hundred and forty thousand Sicca Rupees.

To each Ordinary Member of the Council of *India*, Ninety-six thousand, Sicca Rupees.

To each Governor of the Presidencies of *Fort St. George*, *Bombay*, and *Agra*, One hundred and twenty thousand Sicca Rupees.

To each Member of any Council to be appointed in any Presidency, Sixty-thousand Sicca Rupees.

And the Salaries of the said Officers, respectively, shall commence from their respectively taking upon them the execution of their respective offices; and the said Salaries shall be the whole profit or advantage which the said Officers shall enjoy during their continuance in such offices respectively: And it shall be, and it is hereby declared to be a misdemeanor, for any such Officer to accept for his own use, in the discharge of his office, any Present, Gift, Donation, Gratuity, or Reward, pecuniary or otherwise, whatsoever, or to trade or traffic for his own benefit, or for the benefit of any other person or persons whatsoever: And the said Court of Directors are hereby required to pay to all and singular the Officers and persons hereinafter named, who shall be resident in the United Kingdom at the time of their respective Appointments, for the purpose of defraying

Acceptance of gratuities a misdemeanor.

Passage-money fixed.

defraying the expenses of their Equipment and Voyage, such sums of money as are set against the names of such officers and persons respectively; (that is to say)

To the Governor-General, Five thousand pounds.

To each Member of the Council of *India*, One thousand two hundred pounds.

To each Governor of the Presidencies of *Fort St. George*, *Bombay* and *Agra*, Two thousand five hundred pounds.

Provided also, That any Governor General, Governor or Member of Council appointed by or by virtue of this Act, who shall, at the time of passing this Act, hold the office of Governor General, Governor or Member of Council respectively, shall receive the same Salary and Allowances that he would have received if this Act had not been passed..

74.
Governor General and Governors to forego pensions and other salaries from the Crown or Company while they hold office.

Provided always and be it Enacted, That if any Governor General, Governor, or ordinary Member of the Council of *India*, or any Member of the Council of any Presidency, shall hold or enjoy any Pension, Salary, or any Place, Office, or Employment of Profit under the Crown, or any Public Office, or the said Company, or any annuity payable out of the Civil or Military Fund of the said Company, the Salary of his office of Governor General of *India*, Governor or Member of Council, shall be reduced by the amount of the Pension, Salary, Annuity, or Profits of Office, so respectively held or enjoyed by him.

75.
Directors to make regulations for the distribution of Patronage in India.

And be it Enacted, That the said Court of Directors, with the approbation of the said Board of Commissioners, shall and may from time to time make regulations for the division and distribution of the patronage and power of nomination of and to the Offices, Commands, and Employments in the said Territories, and in all or any of the Presidencies thereof, among the said Governor General in Council, Governor General, Governors in Council, Governors, Commander-in-chief, and other Commanding Officers, respectively, appointed or to be appointed under this Act.

76.
Departure of Governor General, Governor, or Member of Council for Europe, to be a resignation.

Resignation in India to be by deed.

And be it Enacted, That the return to Europe or the departure from *India* with intent to return to Europe, of any Governor General of *India*, Governor, Member of Council, or Commander-in-chief, shall be deemed in Law a Resignation and Avoidance of his Office or Employment, and that no act or declaration of any Governor General, or Governor, or Member of Council, other than as aforesaid, excepting a Declaration in writing under hand and seal, delivered to the Secretary for the Public Department of the Presidency wherein

he

he shall be, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said Office; and that the Salary and other Allowances of any such Governor General or other Officer, respectively, shall cease from the day of such his Departure, Resignation, or Surrender; and that if any such Governor General, or Member of Council of *India*, shall leave the said Territories, or if any Governor or other Officer whatever in the service of the said Company shall leave the Presidency to which he shall belong, other than in the known actual service of the said Company, the Salary and Allowances appertaining to his Office shall not be paid or payable during his absence to any Agent or other person for his use; and in the event of his not returning, or of his coming to *Europe*, his Salary and Allowances shall be deemed to have ceased on the day of his leaving the said Territories, or the Presidency to which he may have belonged: Provided that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the Representatives of their Officers or Servants, who, having left their stations intending to return thereto, shall die during their absence.

Salary to cease on departure or resignation

Representatives of Officers dying during a temporary absence from their stations, to receive the same payment as is now made.

And be it Enacted, That every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the orders or instructions of the said Court of Directors by any Governor General of *India*, Governor, Member of Council, or Commander-in-chief, or by any other of the Officers or Servants of the said Company, unless in cases of necessity, (the burthen of the proof of which necessity shall be on the person so disobeying, or omitting, forbearing, or neglecting to execute such orders or instructions as aforesaid,) and every wilful breach of the trust and duty of any Office or Employment by any such Governor General, Governor, Member of Council, or Commander-in-chief, or any of the Officers or Servants of the said Company, shall be deemed and taken to be a Misdemeanor at Law, and shall or may be proceeded against and punished as such, by virtue of this Act.

77. Disobedience of orders, and breach of trust by officers or servants of the Company in India, misdemeanors.

And be it Enacted, That it shall be lawful for any natural-born subjects of His Majesty to proceed by sea to any port or place having a custom-house establishment within the said Territories, and to reside thereat, or to proceed to and reside in, or pass through any part of such of the said Territories as were under the Government of the said Company on the First day of January One thousand eight hundred, and in any part of the Countries ceded by the Nabob of the *Carnatic*, of the Province of *Cuttack*, and of the Settlements of *Singapore* and *Malacca*, without any license whatever; Provided, That all subjects of His Majesty,

78. Authority for His Majesty's subjects to reside in certain parts of India without License.

Majesty, not Natives of the said Territories, shall on their arrival in any part of the said Territories from any Port or Place not within the said Territories, make known in writing their names, places of destination, and objects of pursuit in India, to the Chief Officer of the Customs or other Officer authorized for that purpose at such Port or Place as aforesaid.

79.
Subjects of His Majesty not to reside in certain parts of India without License

Provided always and be it Enacted, That it shall not be lawful for any Subject of His Majesty, except the servants of the said Company and others now lawfully authorized to reside in the said Territories, to enter the same by land, or to proceed to or reside in any place or places in such parts of the said Territories as are not hereinbefore in that behalf mentioned, without License from the said Board of Commissioners, or the said Court of Directors, or the said Governor-General in Council, or a Governor or Governor in Council of any of the said Presidencies for that purpose first obtained: Provided always, that no License given to any natural-born subject of His Majesty, to reside in parts of the Territories not open to all such subjects, shall be determined or revoked, unless in accordance with the terms of some express clause of revocation or determination in such License contained.

80.
The Governor General in Council, with the previous consent of the Directors, may declare other places open

Provided always and be it Enacted, That it shall be lawful for the said Governor General in Council, with the previous consent and approbation of the said Court of Directors for that purpose obtained, to declare any place or places whatever within the said Territories open to all His Majesty's natural-born Subjects, and it shall be thenceforth lawful for any of His Majesty's natural-born Subjects to proceed to, or reside in, or pass through any place or places declared open without any License whatever.

81.
Laws against illicit residence to be made.

And be it Enacted, That the said Governor-General in Council shall and he is hereby required, as soon as conveniently may be, to make Laws or Regulations, providing for the prevention or punishment of the illicit entrance into or residence in the said Territories of persons not authorized to enter or reside therein.

82.
Laws and regulations to be made for protection of Natives

AND whereas the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide against any mischief or dangers that may arise therefrom, BE it therefore Enacted, That the said Governor General in Council shall, and he is hereby required, by Laws or Regulations, to provide with all convenient speed for the Protection of the Natives of the said Territories from insult and outrage in their persons, religions, or opinions.

And be it Enacted, That it shall be lawful for any natural-born subject of His Majesty authorized to reside in the said Territories, to acquire and hold lands, or any right, interest, or profit in or out of lands, for any term of years, in such part or parts of the said Territories as he shall be so authorized to reside in: Provided always, That nothing herein contained shall be taken to prevent the said Governor General in Council from enabling, by any Laws or Regulations or otherwise, any subjects of His Majesty to acquire or hold any Lands or rights, interests or profits, in or out of lands in any part of the said Territories; and for any estates or terms whatever.

83.
Lands within the Indian territories may be purchased.

And be it Enacted, That no Native of the said Territories, nor any natural-born Subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any Place, Office, or Employment under the said Company.

84.
No disabilities to exist in respect of religion, colour, or place of birth.

AND whereas it is expedient that Slavery should cease throughout the said Territories; BE it Enacted, That the said Governor-General in Council shall and he is hereby required forthwith to frame Laws and Regulations for the extinction of Slavery, having due regard to the Laws of Marriage, and the Rights and Authorities of Fathers, and Heads of Families; and that the said Governor General in Council shall, on or before the First day of January One thousand eight hundred and thirty-five, and on every First day of January from that time forward, report to the Court of Directors the progress which he shall have made in framing such Laws and Regulations, and that the Court of Directors shall, within Fourteen days after the receipt of such Report if Parliament shall then be sitting, or otherwise within Fourteen days after the next meeting of Parliament, lay such Reports before both Houses of Parliament.

85.
Slavery to be abolished.

AND whereas the present Diocese of the Bishoprick of Calcutta is of too great an extent for the Incumbent thereof to perform efficiently all the duties of the office without endangering his health and life, and it is therefore expedient to diminish the labours of the Bishop of the said Diocese, and for that purpose to make provision for assigning new limits to the Diocese of the said Bishop, and for founding and constituting two separate and distinct Bishopricks, but nevertheless the Bishops thereof to be subordinate and subject to the Bishop of Calcutta for the time being, and his Successors, as their Metropolitan; BE it therefore enacted, That in case it shall please His Majesty to erect, found, and constitute two Bishopricks, one to be styled the Bishoprick of Madras, and the other the Bishoprick of Bombay, and from time to time to nominate and

86.
Respecting the inconvenient extent of Diocese of Calcutta.

If the King erects the Archdeaconries of Madras and Bombay into Bishopricks, certain salaries to be paid to the Bishops.

appoint Bishops to such Bishopricks, under the style and title of Bishops of *Madras* and *Bombay* respectively, there shall be paid from and out of the Revenues of the said Territories to such Bishops respectively the Sum of Twenty-four thousand Sicca Rupees by the year.

87.

Such salaries to commence from time of taking office, and to be in lieu of all fees, &c.

And be it Enacted, That the said Salaries shall commence from the time at which such persons as shall be appointed to the said office of Bishop shall take upon them the execution of their respective Offices, and that such Salaries shall be in lieu of all Fees of Office, Perquisites, Emoluments, or Advantages whatsoever, and that no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever shall be accepted, received, or taken by such Bishop, or either of them, in any manner, or on any account or pretence whatsoever, other than the Salaries aforesaid; and that such Bishops, respectively, shall be entitled to such Salaries, so long as they shall respectively exercise the functions of their several offices in the *British* Territories aforesaid.

£500 payable to each such Bishop for passage money.

And be it Enacted, That the said Court of Directors shall, and they are hereby required to pay to the Bishops so from time to time to be appointed to the said Bishopricks of *Madras* and *Bombay*, in case they shall be resident in the United Kingdom at the time of their respective appointments, the sum of Five hundred pounds each, for the purpose of defraying the expenses of their equipments and voyage.

88.

Such Bishops to have such jurisdiction, and exercise such functions only as shall be limited by Letters Patent.

Provided always and be it Enacted, That such Bishops shall not have or use any Jurisdiction, or exercise any Episcopal Functions whatsoever, either in the said territories or elsewhere, but only such jurisdiction and functions as shall or may, from time to time, be limited to them, respectively, by his Majesty, by his Royal Letters-Patent under the Great Seal of the said United Kingdom.

90.

The King empowered by Letters-Patent to limit jurisdiction and functions.

And be it Enacted, That it shall and may be lawful for His Majesty from time to time, if he shall think fit, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, to assign limits to the Diocese of the Bishoprick of *Calcutta*, and to the Dioceses of the said Bishopricks of *Madras* and *Bombay* respectively, and from time to time to alter and vary the same limits respectively, as to His Majesty shall seem fit, and to grant to such Bishops respectively, within the limits of their respective Dioceses, the exercise of Episcopal Functions, and of such Ecclesiastical Jurisdiction as his Majesty shall think necessary for the superintendence and good government of the Ministers of the United Church of *England* and *Ireland* therein.

Provided

Provided always and be it Enacted, That the Bishop of *Calcutta* for the time being shall be deemed and taken to be the Metropolitan Bishop in *India*, and as such shall have, enjoy, and exercise all such Ecclesiastical Jurisdiction and Episcopal Functions, for the purposes aforesaid, as His Majesty shall, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, think necessary to direct; subject nevertheless to the general superintendence and revision of the Archbishop of *Canterbury* for the time being: And that the Bishops of *Madras* and *Bombay* for the time being, respectively, shall be subject to the Bishop of *Calcutta* for the time being, as such Metropolitan, and shall, at the time of their respective appointments to such Bishopricks, or at the time of their respective consecrations as Bishop, take an oath of obedience to the said Bishop of *Calcutta*, in such manner as His Majesty, by his said Royal Letters-Patent, shall be pleased to direct.

And be it Enacted, That when and as often as it shall please His Majesty to issue any Letters-Patent respecting the Bishoprick of *Calcutta*, *Madras*, or *Bombay*, or for the nomination or appointment of any person thereto respectively, the Warrant for the Bill, in every such case, shall be countersigned by the President of the Board of Commissioners for the Affairs of *India*, and by no other person.

And be it Enacted, That it shall and may be lawful for His Majesty, his Heirs, and Successors, by Warrant under His Royal Sign-Manual, countersigned by the Chancellor of the Exchequer for the time being, to grant to any such Bishop of *Madras* or *Bombay* respectively, who shall have exercised in the *British* territories aforesaid for Fifteen years the office of such Bishop, a pension not exceeding Eight hundred pounds per annum, to be paid quarterly by the said Company.

And be it Enacted, That in all cases when it shall happen the said person nominated and appointed to be Bishop of either of the said Bishopricks of *Madras* or *Bombay* shall depart this life within Six calendar months next after the day when he shall have arrived in *India* for the purpose of taking upon him the office of such Bishop, there shall be payable out of the Territorial Revenues from which the salary of such Bishop so dying shall be payable, to the legal personal Representatives of such Bishop, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such Bishop in respect of his Salary, make up the full amount of one year's Salary; and when and so often as it shall happen that any such Bishop shall depart this Life while in possession of such office,

91.

The Bishop of *Calcutta* to be Metropolitan in *India*.

92.

The warrants for the bills on letters-patent appointing Indian Bishops to be countersigned by the President only.

93.

The King may grant certain pensions to Bishops of *Madras* or *Bombay*.

94.

When a Bishop of *Madras* or *Bombay* dies within six months after arrival in *India*, such a sum payable to his representatives as will make up a year's salary.

And if he shall die after six months holding office in *India*.

dia, six months' salary beyond what shall be due payable to his representatives.

office, and after the expiration of Six calendar months from the time of his arrival in *India* for the purpose of taking upon him such office, then and in every such case there shall be payable out of the Territorial Revenues from which the Salary of the said Bishop so dying shall be payable to his legal Personal Representatives, over and above what may have been due to him at the time of his death, a sum equal to the full amount of the salary of such Bishop for Six calendar months.

95.

If a Bishop of *Madras* or *Bombay* be translated to the Bishoprick of *Calcutta*, his residence to be taken as a Bishop of *Calcutta*.

And be it Enacted, That if it shall happen that either of the Bishops of *Madras* or *Bombay* shall be translated to the Bishoprick of *Calcutta*, the period of Residence of such person as Bishop of *Madras* or *Bombay* shall be accounted for and taken as a residence as Bishop of *Calcutta*.

96.

If any person under the degree of a Bishop be appointed to an Indian Bishoprick, and be resident in *India*, the Archbishop of *Canterbury* may commission any two of the said Bishops to consecrate such person

Provided also and be it Enacted, That if any person under the degree of a Bishop shall be appointed to either of the Bishopricks of *Calcutta*, *Madras*, or *Bombay*, who at the time of such Appointment shall be resident in *India*, then and in such case it shall and may be lawful for the Archbishop of *Canterbury*, when and as he shall be required so to do by His Majesty, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, to issue a Commission under his hand and seal, to be directed to any two of the said Bishops, authorizing and charging them to perform all such requisite ceremonies for the consecration of the person so to be appointed to the degree and office of a Bishop.

97.

Provision for expenses of visitations.

And be it Enacted, That the expenses of Visitations to be made from time to time by the said Bishops of *Madras* and *Bombay* respectively, shall be paid by the said Company out of the revenues of the said Territories: Provided, That no greater sum on account of such Visitations be at any time issued, than shall from time to time be defined and settled by the Court of Directors of the said Company, with the approbation of the Commissioners for the Affairs of *India*.

98.

No Archdeacon in *India* to have a Salary exceeding 3,000 sicca rupees.

And be it Enacted, That no Archdeacon hereafter to be appointed for the Archdeaconry of the Presidency of *Fort William* in *Bengal*, or the Archdeaconry of the Presidency of *Fort Saint George*, or the Archdeaconry of the Presidency and Island of *Bombay*, shall receive in respect of his Archdeaconry, any Salary exceeding Three thousand Sicca Rupees per annum: Provided always, that the whole expense incurred in respect of the said Bishops and Archdeacons, shall not exceed 120,000 Sicca Rupees per annum.

CLAUSE (D).

Two Chaplains of the Church of Scot-

And be it Enacted, That, of the Establishment of Chaplains maintained by the

the said Company at each of the Presidencies of the said Territories, Two Chaplains shall always be Ministers of the Church of *Scotland*, and shall have and enjoy from the said Company such Salary as shall from time to time be allotted to the Military Chaplains at the several Presidencies: Provided always, That the Ministers of the Church of *Scotland* to be appointed Chaplains at the said Presidencies as aforesaid, shall be ordained and inducted by the Presbytery of *Edinburgh*, according to the forms and solemnities used in the Church of *Scotland*, and shall be subject to the Spiritual and Ecclesiastical Jurisdiction, in all things, of the Presbytery of *Edinburgh*, whose judgments shall be subject to dissent, protest, and appeal to the Provincial Synod of *Lothian* and *Tweedale*, and to the General Assembly of the Church of *Scotland*; Provided always, That nothing herein contained shall be so construed as to prevent the Governor General in Council from granting from time to time, with the sanction of the Court of Directors, to any sect, persuasion, or community of Christians not being of the United Church of England and Ireland or of the Church of Scotland, such sums of money as may be expedient for the purpose of instruction or for the maintenance of places of worship.

AND whereas it is expedient to provide for the due qualification of persons to be employed in the civil service of the said Company in the said territories, BE it therefore Enacted, That the said Governor General of India in Council shall, as soon as may be after the First day of January in every year, make and transmit to the said Court of Directors a prospective estimate of the number of persons who, in the opinion of the said Governor General in Council, will be necessary, in addition to those already in *India* or likely to return from Europe, to supply the expected Vacancies in the Civil Establishments of the respective Governments in India in the fourth following year; and it shall be lawful for the said Board of Commissioners to reduce such estimate, so that the reasons for such reduction be given to the said Court of Directors: And in the month of June in every year, if the said estimate shall have been then received by the said Board, and if not, then within One month after such estimate shall have been received, the said Board of Commissioners shall certify to the said Court of Directors what number of persons shall be nominated as Candidates for Admission, and what number of Students shall be admitted to the College of the said Company at *Haileybury*, in the then current year, but so that at least four such Candidates, no one of whom shall be under the age of Seventeen or above the

land to be on the establishment of each Presidency.

100.

The Governor General in Council annually to make a prospective estimate of the number of vacancies in Indian establishments in the fourth following year.

Board may reduce estimate.

Board to certify what number of persons shall be candidates for admission to Haileybury College, and what number shall be admitted students.

age of Twenty years, be nominated, and no more than one Student admitted for every such expected Vacancy in the said Civil Establishments, according to such Estimate or reduced Estimate as aforesaid; and it shall be lawful for the said Court of Directors to nominate such a number of Candidates for admission to the said College as shall be mentioned in the certificate of the said Board; and if the said Court of Directors shall not, within One Month after the receipt of such certificate, nominate the whole number mentioned therein, it shall be lawful for the said Board of Commissioners to nominate so many as shall be necessary to supply the deficiency.

101.

Additional students to be admitted to fill up death, vacancies, &c.

And be it Enacted, That when and so often as any Vacancy shall happen in the number of Students in the said College by death, expulsion, or resignation, it shall be lawful for the said Board of Commissioners to add in respect of every such Vacancy, One to the number of Students to be admitted, and Four to the number of Candidates for admission to be nominated by the said Court, in the following year.

102.

The candidates for admission to be subjected to an examination and classed.

Candidates highest on the list to be admitted.

And be it Enacted, That the said Candidates for admission to the said College shall be subjected to an Examination in such branches of knowledge, and by such Examiners as the said Board shall direct, and shall be classed in a List to be prepared by the Examiners, and the Candidates whose names shall stand highest in such List shall be admitted by the said Court as Students in the said College, until the number to be admitted for that year, according to the Certificate of the said Board, be supplied.

103.

The Board to frame a plan for the constitution of the college;

and rules for examination and qualification of candidates for admission, and students.

And be it further Enacted, That it shall be lawful for the said Board of Commissioners, and they are hereby required, forthwith after the passing of this Act, to form such Rules, Regulations, and Provisions for the good Government of the said College, as in their judgment shall appear best adapted to secure fit Candidates for Admission into the same, and for the Examination and Qualifications of such Candidates, and of the Students of the said College, after they shall have completed their residence there, and for the appointment and remuneration of proper Examiners: and such Plan, Rules, and Regulations and Provisions respectively, shall be submitted to His Majesty in Council for his revision and approbation; and when the same shall have been so revised and approved by His Majesty in Council, the same shall not afterwards be altered or repealed, except by the said Board of Commissioners, with the approbation of His Majesty in Council.

104.

After two years,

And be it Enacted, That at the expiration of such time as shall be fixed

by

by such rules, regulations, and provisions made as aforesaid, so many of the said Students as shall have a certificate from the said College of good conduct during the term of their residence therein, shall be subjected to an Examination in the studies prosecuted in the said College, and so many of the said Students as shall appear duly qualified shall be classed according to merit in a List to be prepared by the Examiners; and shall be nominated to supply the Vacancies in the Civil Establishments in *India*, and have seniority therein according to their priority in the said List; and if there shall be at the same time Vacancies in the Establishments of more than one of the said Presidencies, the Students on the said List shall, according to such priority, have the right of electing to which of the said Establishments they will be appointed.

And be it Enacted, That no appointment of any Professor or Teacher at the said College, shall be valid or effectual until the same shall have been approved by the Board of Commissioners.

And be it Enacted, That every Power, Authority, and Function, by this or any other Act or Acts given to and vested in the said Court of Directors, shall be deemed and taken to be subject to such control of the said Board of Commissioners as in this Act is mentioned, unless there shall be something in the enactments conferring such powers, authorities, or functions, inconsistent with such construction, and except as to any Patronage or right of appointing to Office vested in or reserved to the said Court.

Provided always, and be it Enacted, That nothing herein contained shall be construed to enable the said Board of Commissioners to give or cause to be given directions, ordering or authorizing the payment of any extraordinary Allowance or Gratuity, or the increase of any established Salary, Allowance or Emolument, unless in the cases and subject to the provisions in, and subject to which such directions may now be given by the said Board.

And be it Enacted, that whenever in this Act, or in any Act hereafter to be passed, the term *East-India Company* is or shall be used, it shall be held to apply to the United Company of Merchants of England trading to the East-Indies; and that the said United Company of Merchants of England trading to the East-Indies may, in all suits, proceedings, and transactions whatsoever after the passing of this Act, be called by the name of the *East-India Company*.

And be it Enacted, That the Island of St. Helena, and all Forts, Factories, Public Edifices, and hereditaments whatsoever in the said Island, and all stores and property thereon, fit or used for the service of the Government thereof,

students to be examined and classed.

The Students to supply the vacancies in the service according to priority on the list, and to choose their Presidencies.

105.

Sanction of Board necessary for appointment of Professors.

106.

All powers of Court of Directors to be subject to the control of the Board except Patronage.

107.

CLAUSE (C).
Board of Control prohibited from directing the grant of allowances.

108.

The United Company of Merchants of England trading to the East-Indies may be called the East-India Company.

109.

Saint Helena vested in the Crown.

shall be vested in His Majesty, his Heirs and Successors: and the said Island shall be governed by such orders as His Majesty in Council shall from time to time issue in that behalf.

110.

CLAUSE (A).
Servants of the Com-
pany in China and
St. Helena to be eli-
gible to Offices in
any Presidency.

And be it further Enacted, That every Supracargo and other civil Servant of the said Company, now employed by the said Company in the Factory at *Canton* or in the Island of *Saint Helena*, shall be capable of taking and holding any Office in any Presidency or Establishment of the said Territories which he would have been capable of taking and holding if he had been a civil Servant in such Presidency or on such Establishment during the same time as he shall have been in the service of the said Company.

111.

CLAUSE (B).
Repeal of Enact-
ments for keeping a
Stock of Tea.

And be it Enacted, That from and after the passing of this Act all Enactments and Provisions directing the said Company to provide for keeping a Stock of Tea shall be repealed.

112.

CLAUSE (C).
King's Courts autho-
rized to admit Advoc-
ates and Attornies
without the Com-
pany's License.

And be it Enacted, That it shall be lawful for any Court of Justice established by His Majesty's Charters in the said Territories to approve, admit, and enrol Persons as Barristers, Advocates and Attornies in such Court, without any License from the said Company, any thing in any such Charter contained to the contrary notwithstanding.

113.

CLAUSE (F).
Accounts to be an-
nually laid before
Parliament.

And be it further Enacted, That the Court of Directors of the said Company shall, within the first Fourteen sitting Days next after the First day of May in every year, lay before both Houses of Parliament an Account, made up according to the latest advices which shall have been received, of the annual Produce of the Revenues of the said Territories in *India*, distinguishing the same and the respective heads thereof at each of their several Presidencies or Settlements, and of all their annual Receipts and Disbursements at home and abroad, distinguishing the same under the respective heads thereof, together with the latest estimate of the same; and also the Amount of their Debts, with the Rates of Interest they respectively carry, and the annual Amount of such Interest, the State of their Effects and Credits at each Presidency or Settlement and in *England* or elsewhere, according to the latest advices which shall have been received thereof; and also a List of their several Establishments, and the Salaries and Allowances payable by the said Court of Directors in respect thereof; and the said Court of Directors, under the direction and control of the said Board of Commissioners, shall forthwith prepare Forms of the said Accounts and Estimates in such manner as to exhibit a complete and accurate View of the Financial Affairs of the said Company; and if any new or increased Salaries, Establishments

ments or Pensions shall have been granted or created within any year, the Particulars thereof shall be specially stated and explained at the foot of the Account of the said year.

And be it Enacted, That this Act shall commence and take effect from and after the passing thereof, so far as to authorize the appointment or prospective or provisional appointment of the Governor General of India, Governors, Members of Council, or other Officers under the provisions hereinafter contained, and so far as hereinbefore in that behalf mentioned, and as to all other matters and things, from and after the Twenty-second day of April next.

114.
Commencement of
Act.

FURTHER PAPERS

RESPECTING

THE EAST-INDIA COMPANY'S CHARTER.

1833.

L O N D O N :

**PRINTED BY ORDER OF THE GENERAL COURT FOR THE INFORMATION
OF THE PROPRIETORS,**

BY J. L. COX AND SON, 75, GREAT QUEEN STREET.

1833.

LIST OF PAPERS.

No.	Page
136. Minute of a Court of Directors, held on Tuesday, the 30th July 1833	445
137. Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated 30th July 1833	446
138. Minute of a General Court of the United Company of Merchants of England trading to the East-Indies, held on Wednesday, the 31st July 1833.....	447
139. The Petition from the East-India Company to the Right Honourable House of Lords, noticed in the preceding Minute.....	448
140. Minute of a Court of Directors, held on Wednesday, the 31st July 1833	452
141. Dissent by William Stanley Clarke, Esq., dated 31st July 1833	<i>ib.</i>
142. Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated 1st August 1833	453
143. Minute of a Court of Directors, held on Wednesday the 7th August 1833	454
144. Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated the 6th August 1833	455
145. Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated the 7th August 1833	456
146. Minute of a Court of Directors, held on Thursday the 8th August 1833.....	457

No. CXXXVI.

AT A

COURT OF DIRECTORS,

Held on Tuesday, the 30th July 1833.

No. CXXXVI.

The Chairman acquainted the Court that in consequence of the proceedings in the House of Commons on Friday last, the Deputy Chairman and himself had deemed it expedient to summon a Special General Court to be held to-morrow, and that an advertisement had been issued accordingly.

Court of Directors,
30 July 1833.

Draft of the said advertisement was then read and approved.

The Chairman then adverted to the clause of the Bill which relates to the expenses of the Board of Commissioners for the Affairs of India, and stated that he had caused to be laid before Sir James Scarlett, in the absence of the Company's Standing Counsel, a Case for his opinion, as to the construction of the clause in reference to the restriction imposed on those expenses by the Act of the 53d Geo. III., and that it appeared from the opinion given by Sir James Scarlett, the Bill as it now stands removes the restriction in the Act of the 53d Geo. III. c. 155, which limits the total expenses of the Board of Commissioners to £26,000 per annum.

And the Clause 21 of the present East-India Bill, together with the Case and Opinion referred to by the Chairman, having been read,

The Draft of a Letter to the Right Honourable Charles Grant, forwarding to him a copy of the Case and Opinion just read, and submitting in reference thereto, that a clause should be introduced into the Bill now before Parliament to continue that restriction, was read and approved. (See No. CXXXVII.)

The Chairman then laid before the Court the Draft of a Petition to the Right Honourable the House of Lords. setting forth the Court's objections against certain clauses of the Charter Bill, and praying that such clauses may

No. CXXXVI. be modified and altered so as to meet those objections; also that the House will be pleased to hear Counsel in support of the prayer of the Petition :
 Court of Directors,
 30 July 1833. The said Draft of a Petition being read, and the Court having deliberated thereon,

It was

Resolved, That it be recommended to the Court of Proprietors to petition the House of Lords against the said Bill; and that the Petition now read be approved, and submitted to the General Court to be held on Wednesday, the 31st instant, for their adoption.

No. CXXXVII.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the*
Right Honourable CHARLES GRANT.

No.
 CXXXVII.

East-India House, 30th July 1833.

SIR :

Letter to
 the Rt. Hon.
 Charles Grant,
 30 July 1833.

In reference to the 21st Clause of the East-India Bill, and to the observation thereon which accompanied our letter of the 10th instant, we have the honour, at the request of the Court of Directors of the East-India Company, to transmit to you the accompanying Case and Opinion, from which you will perceive that Sir James Scarlett (who has been consulted in the absence of the Company's standing Counsel) considers that by the Bill as it now stands, the restriction in the Act of the 53d Geo. III. cap. 155, which limits the total expenses of the Board of Commissioners for the Affairs of India to £26,000 per annum, is removed.

The Court therefore submit to you that a clause should be introduced into the Bill continuing that restriction.

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS.

W. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CXXXVIII.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Wednesday, the 31st July 1833.

No.
CXXXVIII.General Court,
31 July 1833.

The Chairman laid before the Court a copy of the Bill which has been introduced into Parliament for the regulation of the Trade to China and India.

The Chairman acquainted the Court, that the Petition approved on Friday last was presented to the House of Commons by Robert Cutlar Fergusson, Esq., but that the House had declined hearing Counsel, and the Bill was read a third time and passed, and had, with the further Papers relating to the Company's Charter, been printed for the information of the Proprietors.

The Chairman also stated that this Court had been specially called fort he purpose of taking into consideration a Petition to the House of Lords against certain clauses of the said Bill.

The Petition was then read, being as follows. (See No. CXXXIX.)

And, after a discussion of some length, it was,

On a Motion,

Resolved, That this Court approve the said Petition, and that the Company's seal be affixed thereto.

No. CXXXIX.

The PETITION from the EAST-INDIA COMPANY to the Right Honourable the HOUSE OF LORDS, noticed in the preceding Minute.

No. CXXXIX.

Petition to the
House of Lords.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Ireland in Parliament assembled,

The humble Petition of the United Company of Merchants of England trading to the East-Indies.

Humbly Sheweth,

That a Bill has been introduced into your Right Honourable House for continuing the government of the British Territories in the East-Indies in your Petitioners, they consenting, for the period of their holding that government, to discontinue the carrying on of any trade for their own profit; and that with a view to this arrangement your Petitioners have acquiesced in a plan embodied in the said Bill, for adjusting all the pecuniary claims of your Petitioners upon the principle of compromise.

That in consenting to suspend their right to trade in common with the rest of His Majesty's subjects, a right which if exercised, must greatly interfere with the advantages which private merchants expect to reap from a free trade with China, your Petitioners have acted upon the opinion expressed to them by the King's Ministers, that the territorial government of India, which upon grounds of public policy it was desired to continue in your Petitioners, could not be so continued unless they abandoned their trade, and in acquiescing in the pecuniary compromise, your Petitioners, whilst convinced of the validity of their title to their property and claims as a commercial corporation, have not been insensible to the difficulties which might be opposed to their readily realizing their property, and obtaining a liberal adjustment of their claims, if His Majesty's Government were adverse to the Company, which your Petitioners have been led to apprehend would be the case if they were to stand on the ground of strict right.

Your Petitioners admit, that the consent and acquiescence hitherto given have been confined to the basis of the arrangement, and that they have reserved to themselves a power, when informed of all the details, finally to decide,

decide, whether or not they will place their Commercial Charter in abeyance; but as your Petitioners are sincerely desirous that no obstacle should arise on their part to the arrangement which Parliament in its wisdom shall deem to be best calculated to promote the welfare of India, and the commercial prosperity of the United Kingdom, they humbly trust that the reservation which your Petitioners have so made, will not be deemed by your Right Honourable House as affording any reason why your Petitioners should not be heard before your Lordships, in support of certain objections which they crave permission to offer to some of the details of the measure as contained in the said Bill.

No. XXXIX.
Petition to the
House of Lords.

That your Petitioners being impressed with a deep sense of the importance of the trust proposed to be committed to them for a further term, are most anxious to be placed in such a situation as to be enabled to administer the Territorial Government with advantage to the people of India.

That by the said Bill, every act of the Court of Directors, excepting what relates to certain matters of Patronage, and to the details of their Home Establishment, is made subject to the control of the Board of Commissioners for the Affairs of India; and although your Petitioners presume not to offer any objection to this, admitting that where two distinct bodies have a concurrent jurisdiction, there must rest somewhere power to decide absolutely in cases of difference between them, yet your Petitioners feel it to be their duty to suggest the importance of providing that such cases should be reported to both Houses of Parliament, in order that the Court of Directors in originating political measures and the Board of Commissioners in controlling them, should both act under a decided sense of responsibility to the Legislature; and in order to obviate an objection that might be taken to this suggestion, as involving the disclosure of matters which ought to be kept secret, your Petitioners beg leave to point out to your Right Honourable House, that the Bill makes provision for entrusting such subjects as Parliament has thought it fit should be kept secret, to a Secret Committee acting ministerially under the direction of the said Board.

Your Petitioners further humbly represent, that the said Bill proposes to effect a serious change in the constitution of the Indian Governments, which, in the judgment of your Petitioners, will, if adopted, place an excessive power in the hands of the Governor General, and prejudicially diminish the power and influence of the Governments of Madras and Bombay.

Your Petitioners admit that it is necessary to provide an efficient government for the Western Provinces of Bengal; but they think that this object would

No. CXXXIX. would be no less effectually, and much more economically attained by the appointment of a Lieutenant-Governor, subject to the Bengal Government, than by the institution of a fourth presidency.

Petition to the
House of Lords.

That the proposal to vest the executive governments of Madras and Bombay in governors without Councils, appears to your Petitioners to be liable to very serious objections; if adopted, the local governor, frequently a stranger to India, will be deprived of the information and advice which he has hitherto obtained from his councillors, a salutary check upon the proceedings of the Governor will be destroyed, the security that every act and the reasons for it shall be placed upon record will be lost, and the stimulus to exertion in the civil service, created by the hope of ultimately reaching a seat in council, will be greatly impaired. These objections are not obviated by that clause in the Bill which allows the Court of Directors of your Petitioners, with the approbation of the said Board of Commissioners, to appoint a Council in any presidency, because, as there are Councils at present, the effect of the Bill if passed into a law will be to declare the opinion of the Legislature against Councils, and to place the Court of Directors and the Board in the position, should they think Councils essential, of at once exercising their judgment in opposition to that opinion. If it be intended to continue the Councils, but with a power to the Court and the Board to dispense with them, your Petitioners humbly submit that that intention should be distinctly expressed in the said Bill.

Your Petitioners would further represent, that they cannot but contemplate with anxiety the increase of expense which will be caused by the number of new offices proposed by the said Bill to be created, *viz.* a governor of Agra at 1,20,000 rupees per annum, and as a consequence of the formation of a presidency, many expensive establishments; three additional councillors in Bengal at 96,000 rupees a year each; and five law commissioners at 60,000 rupees a year each, exclusive of other large expenses, which must be attendant upon such appointments.

That your Petitioners cannot but regard with some apprehension also the augmentation of charge in the Ecclesiastical Department, by means of the arrangements provided for in the said Bill, for at present, independently of the military chaplains of the church of England, seventy-five in number, the establishment comprises one bishop, three archdeacons, and six chaplains of the church of Scotland, at an aggregate expense of 1,66,333 rupees per annum; whilst under the proposals contained in the said Bill, the establishment will
comprise,

comprise, independently of the seventy-five military chaplains of the church of England, three bishops, three chaplains to discharge the duties which the archdeacons now perform, and eight Scotch chaplains of the church of Scotland, at an aggregate expense of 2,29,858 rupees annually, besides which there is the contingent expense of episcopal visitations, pensions, and passage-money.

No. CXXXIX.
Petition to the
House of Lords.

Your Petitioners, whilst they are sincerely desirous that adequate means should be provided for the spiritual instruction and consolation of all classes of the public servants stationed in India, must be permitted to remark, that no evidence has been brought before them, which satisfies them of the necessity of adding to the establishment two Suffragan bishops, and two chaplains of the church of Scotland, and that without such evidence they could not consider it just to employ the revenues of India in maintaining these officers.

Your Petitioners beg leave respectfully to call the particular attention of your Right Honourable House to those parts of the said Bill which relate to the College at Haileybury.

Throughout the correspondence which has passed with His Majesty's Ministers, your Petitioners have declared upon this point, that the arrangement "which shall most effectually provide the means of giving good servants to the Indian empire is that which will assuredly meet the views of the Court, whatever its effects may be on their patronage;" and it is because your Petitioners are deliberately convinced, that efficiency will be more likely to be obtained in a general system of education, brought to the standard of a high test of examination, than in any exclusive system, that the Court confidently ask your Right Honourable House to abolish the College; a measure which is further strongly recommended by considerations of expense, as the maintenance of that institution has in the last term caused a charge upon India at the rate of upwards of £10,000 per annum, when there were less than thirty students within its walls; and will under the arrangements contemplated in the said Bill cause an expense to your Petitioners for each student of at least £500, besides the sum charged to the parent or guardian; and your Petitioners would also submit the important fact, that in the course of the last ten years the College has at one time been unequal to supply the requisite number of Writers, and at another, as at present, is much more than adequate to the supply.

Your Petitioners therefore most humbly pray, that your Lordships will be pleased to take the foregoing representations into consideration, and, so to modify and alter the said Bill as to meet the objections

No. CXXXIX.

Petition to the
House of Lords.

objections which your Petitioners have presumed to lay before your Lordships; and if it should be the pleasure of your Right Honourable House to hear Counsel in support and explanation of those objections, Counsel are prepared to appear accordingly at such time as your Lordships may be pleased to appoint.

(L. S.)

No. CXL.

AT A

COURT OF DIRECTORS,

No. CXL.

Court of Directors,
31 July 1833.

Held on Wednesday, the 31st July 1833.

The draft of a Letter to the Right Honourable Charles Grant, adverting to the Bill now in progress in the House of Commons "to regulate the trade to "China and India," submitting that the Company should be exonerated from so much of the existing laws as relates to the care and maintenance whilst in England of seamen natives of China, and suggesting that the eighth clause of the said Bill, which imposes upon vessels entering the ports of China a tonnage duty, should not be allowed to operate upon ships going to China from India, as it would be altogether a new impost upon the country trade, was read and approved. (See No. CXLI.)

William Stanley Clarke, Esq., a member of the Court, delivered in his Dissent from the Court's resolution of the 19th instant, to approve paragraphs for China directing the discontinuance of further commercial operations on the part of the Company, which was read.—(See No. CXLI.)

No. CXLI.

No. CXLI.

Mr. Clarke's
Dissent,
31 July 1833.

DISSENT *by* WILLIAM STANLEY CLARKE, Esq.

CONCURRING generally in the view taken by Mr. Wigram in his Dissent of the 19th instant, of the advantages which would arise in the realization of the assets by the temporary employment of the ships under contract to the Company, I hereby record my Dissent from the adoption of the recommendation contained

contained in the letter from the Right Honourable the President of the Board of Commissioners of the 18th instant, by which the Company abandon forthwith all further commercial operations.

(Signed) WM. STANLEY CLARKE.

East-India House,
31st July 1833.

No. CXLI.

Mr. Clarke's
Dissent

No. CXLII.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 1st August 1833.

No. CXLII.

SIR :

We have the honour, at the request of the Court of Directors of the East-India Company, to call your attention to that clause of the Bill now in progress in the House of Commons entitled "a Bill to regulate the trade to "China and India," which proposes to continue in force the existing laws relating to the cost and expense whilst in this country of Lascars and other seamen natives of any of the territories within the limits of the Company's charter.

The Court submit that the Company should be exonerated from so much of the existing laws as includes seamen natives of China.

We must further express to you the hope of the Court, that the tonnage duty which it is proposed by the eighth clause of the said Bill to impose upon vessels entering the ports of China, will not be allowed to operate upon ships going thither from India, as it would be altogether a new impost upon the country trade, in which the prosperity of the Indian empire is deeply interested.

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,

WM. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

Letter to
the Rt. Hon.
Charles Grant,
1 Aug. 1833.

No. CXLIII.

AT A

COURT OF DIRECTORS.

No. CXLIII.

Held on Wednesday, the 7th August 1833.

Court of Directors,
7 Aug. 1833.

THE Chairman, adverting to the addition made, on the third reading in the House of Commons of the East India Charter Bill, to the sixth clause, which prevents the grant of any compensation, superannuation, or allowance, to persons whose interests may be affected by the discontinuance of the Company's trade, from taking effect "until the expiration of two calendar months after particulars of the compensation, superannuation, or allowance proposed to be so granted shall have been laid before both Houses of Parliament," laid before the Court the draft of a Letter which the Deputy Chairman and himself had addressed to the Right Honourable Charles Grant under date the 6th instant, pointing out objections to the above-mentioned proviso, and requesting that for the reasons stated the same may be withdrawn.

The said letter to Mr. Grant was then read and approved. (See No. CXLIV.)

The draft of a letter to the Right Honourable Charles Grant, requesting that he will be pleased to take measures with the view to the third reading of the Bill being postponed until after the General Court, which the Court propose to convene for Tuesday next, shall have decided whether or not they will place their commercial rights in abeyance, under the arrangements embodied in the Bill now before the House of Lords, was also read and approved. (See No. CXLV.)

It was then

Resolved, That the Chairman and Deputy Chairman be authorized to issue an advertisement convening a General Court of Proprietors for such day as the future state of the Bill may appear to them to render necessary.

No. CXLIV.

LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *to the*
Right Honourable CHARLES GRANT.

East-India House, 6th August 1833.

SIR :

No. CXLIV.

Letter to
 the Rt. Hon.
 Charles Grant,
 6 Aug. 1833.

The Court of Directors of the East-India Company observe that whilst the East-India Bill was passing through its last stage in the House of Commons, an addition was made to the sixth clause which prevents the grant of any compensation, superannuation, or allowance, to persons whose interests may be affected by the discontinuance of the Company's trade, from taking effect "until the expiration of two calendar months after particulars of the compensation, superannuation, or allowance proposed to be so granted shall have been laid before both Houses of Parliament."

Upon this proviso the Court must in the first place submit, that it involves a departure from that part of the agreement between His Majesty's Government and the Company which declared, "that a sufficient power shall be retained over the commercial assets to enable the Court of Directors to propose to the Company, and ultimately to the Board for their confirmation, a plan for making suitable provision for outstanding commercial obligations, and for such of the commercial officers and servants of the Company as may be affected by the proposed arrangement."

The Court can have no objection, on the contrary they are very desirous, that Parliament should be fully informed of all their proceedings, whether relating to compensations or to any other of the matters entrusted to them ; and the Court consider that the Company, in applying a portion of those funds to making a provision for servants reduced in consequence of a change of system, ought not to be subjected to any other control than that which exists at present.

We would also suggest to you, that as soon as the Bill shall have passed into a law, certain offices might be reduced ; for that purpose, and in order that a uniform principle might be established applicable to all reductions, it would be incumbent on the Court immediately to frame a general plan for making compensations, which plan, when approved by the Board, might be applied to the several cases as they arose, and it would be the Court's object in the plan

No. CXLIV. to encourage exchanges of junior servants from offices which are to be reduced to offices which are to remain, in order that facility might be given for increasing the efficiency of the establishment under the new system.

Letter to
the Rt. Hon.
Charles Grant,
6 Aug. 1833.

But if the Board are to give their consent in each case separately, and are to withhold that consent until the case has been two months before Parliament, no reductions can be effected for some time to come, nor any uniform plan adopted, nor the least encouragement given to exchanges with a view to retirement.

For these reasons the Court request that the proviso in question may be withdrawn.

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No. CXLV.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honourable CHARLES GRANT.

No. CXLV.

SIR :

East-India House, 7th August 1833.

Letter to
the Rt. Hon.
Charles Grant,
7 Aug. 1833.

Presuming from the advanced state of the East-India Bill in the House of Lords, that it may be reported this week and printed, the Court of Directors of the East-India Company propose to fix Tuesday next for a meeting of the General Court of Proprietors, to decide whether or not they will place their commercial rights in abeyance under the arrangements embodied in the said Bill, and which decision the Court are advised by Counsel should be passed previously to the third reading of the Bill.

The Court therefore request that you will be pleased to take measures with a view to the third reading being postponed until after the General Court shall have decided the question in reserve.

We have the honour to be, Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No. CXLVI.

AT A

COURT OF DIRECTORS,

Held on Thursday, the 8th August 1833.

No. CXLVI.

THE Chairman acquainted the Court that, having received information from the Company's Solicitor last evening that the East-India Charter Bill had passed through the Committee in the House of Lords, and that the Report would be received this day, and the third reading take place on Friday, he had summoned the present Court specially, for the purpose of considering the course which it would be proper to pursue with the view of enabling the General Court to express their opinion on the measure; that the Deputy Chairman and himself had waited on the President of the Board this morning on the subject, and that having received from Mr. Grant an assurance that the Court of Proprietors should have an opportunity of expressing their opinion on the Bill before the measure is passed into a law, and that the Court of Directors shall be enabled to give the Court of Proprietors forty-eight hours notice for that purpose, it is therefore unnecessary at the present moment to adopt any further proceeding, but await the communication from Mr. Grant.

Court of Directors.
8 Aug. 1833.

FURTHER PAPERS

RESPECTING

THE EAST-INDIA COMPANY'S CHARTER.

1833.

L O N D O N :

PRINTED BY ORDER OF THE GENERAL COURT FOR THE INFORMATION
OF THE PROPRIETORS,

BY J. L. COX AND SON. 75, GREAT QUEEN STREET.

1833.

LIST OF PAPERS.

No.	Page
147. Minute of a Court of Directors, held on Monday the 12th August 1833.....	459
148. Dissent by the Chairman (Campbell Marjoribanks, Esq.), and the Deputy Chairman (William Wigram, Esq.) dated 12th August 1833.....	462

No. CXLVII.

AT A

COURT OF DIRECTORS,

Held on Monday, the 12th August 1833.

No. CXLVII.

Court of Directors,
12 Aug. 1833.

The Chairman, adverting to the letter addressed by the Deputy Chairman and himself to the Right Honourable Charles Grant on the 7th instant, requesting that the third reading of the East-India Charter Bill in the House of Lords might be postponed until after the General Court shall have decided whether or not they will place their Commercial Rights in abeyance; stated to the Court that he had received a private letter from Mr. Grant on Friday evening, expressing a wish that the General Court should be summoned for Tuesday next; and that in consequence the Deputy Chairman and himself had caused an Advertisement to be issued convening the General Court accordingly.

The Draft of the Advertisement so issued on the 10th instant was then read and approved.

The Court proceeding to take into consideration the Bill as amended on the Report in the House of Lords on Friday last, and having deliberated thereon,

The following motion was submitted, *viz.*

“ That having unfortunately failed in their endeavours to obtain those modifications of the East-India Bill which are essential to enable the Company satisfactorily to conduct the Territorial Government of India, this Court regret that they cannot recommend to the Proprietors to place their Commercial Rights in abeyance, with a view to their being continued in that Government under the arrangements embodied in the said Bill, and must therefore, without expressing any further opinion, refer it to the Proprietors, to exercise their discretion upon this most important occasion.”

No. CXLVII. Whereupon it was proposed to amend the said motion by leaving out all the words after the word "That" for the purpose of inserting the following: viz.

"the East-India Bill having arrived at its last stage in the House of Lords, it becomes the duty of the Court of Directors to submit to their Constituents a final opinion regarding that Bill as it now stands, and

"Whilst the Court are still impressed with the belief that the cessation of the Company's Trade will greatly weaken its position in this country, and consequently impair its efficiency in the administration of the Government of India; whilst also they regard with much anxiety the increase of powers given by the said Bill to the Board of Commissioners for the Affairs of India, and greatly regret that Parliament has not provided some rule of publicity, to act as a salutary check both upon the Board and the Court; and whilst, further, the Court entertain the most serious apprehensions of the injurious effect upon the Finances of India which must result from the loss of the Trade as a source of direct profit, and as a safe and beneficial channel of remittance, and from the new charges which the Bill imposes, yet reviewing all the correspondence which has passed with His Majesty's Ministers upon this subject, trusting that the extensive powers of the Board will be exercised with moderation, and so as not to interfere with the independence of the Company, as a body acting intermediately between the King's Government and the Government of India, which independence all parties have admitted it to be of vital importance to maintain, and relying with confidence that Parliament will interpose for the relief of any financial difficulties into which the Company may unavoidably be cast through the operation of the extensive changes which the Bill proposes to effect, the Court of Directors cannot do otherwise than recommend to the Proprietors to defer to the pleasure expressed by both Houses of Parliament, and to consent to place their right to trade for their own profit in abeyance, in order that they may continue to exercise the government of India for the further term of twenty years upon the conditions and under the arrangements embodied in the said Bill."

And the question that the words proposed to be left out stand part of the question, being put by the Ballot,

It passed in the negative.

The question that the words proposed by way of amendment stand part of the question being then put by the Ballot,

The same passed in the affirmative.

It was then on the main question,

No. CXLVII.

Resolved, That the East-India Bill having arrived at its last stage in the House of Lords, it becomes the duty of the Court of Directors to submit to their Constituents a final opinion regarding that Bill as it now stands, and

Court of Directors,
12 Aug. 1833.

Whilst the Court are still impressed with the belief that the cessation of the Company's Trade will greatly weaken its position in this country, and consequently impair its efficiency in the administration of the Government of India; whilst also they regard with much anxiety the increase of powers given by the said Bill to the Board of Commissioners for the Affairs of India, and greatly regret that Parliament has not provided some rule of publicity to act as a salutary check, both upon the Board and the Court; and whilst, further, the Court entertain the most serious apprehensions of the injurious effect upon the Finances of India which must result from the loss of the Trade as a source of direct profit, and as a safe and beneficial channel of remittance, and from the new charges which the Bill imposes, yet reviewing all the correspondence which has passed with His Majesty's Ministers upon this subject, trusting that the extensive powers of the Board will be exercised with moderation, and so as not to interfere with the independence of the Company as a body acting intermediately between the King's Government and the Government of India, which independence all parties have admitted it to be of vital importance to maintain, and relying with confidence that Parliament will interpose for the relief of any financial difficulties into which the Company may unavoidably be cast through the operation of the extensive changes which the Bill proposes to effect, the Court of Directors cannot do otherwise than recommend to the Proprietors to defer to the pleasure expressed by both Houses of Parliament, and to consent to place their right to trade for their own profit in abeyance, in order that they may continue to exercise the Government of India for the further term of twenty years, upon the conditions and under the arrangements embodied in the said Bill.

Campbell Marjoribanks, Esq. (Chairman), and William Wigram, Esq. (Deputy Chairman), then delivered in their Dissent from the foregoing Resolution, which was read, the same being as follows.—(See No. CXLVIII.)

No. CXLVIII.

DISSENT *by the* CHAIRMAN (CAMPBELL MARJORIBANKS, Esq.),
 No. CXLVIII. *and the* DEPUTY CHAIRMAN (WILLIAM WIGRAM, Esq.).

Dissent by the
 Chairman and
 Deputy Chairman.

Differing from the majority of the Court of Directors who have this day passed a Resolution recommending the Proprietors to place their Charter in abeyance, we record our Dissent from that proceeding, and shall briefly state our reasons for doing so.

It is impossible for us to contemplate the annihilation of the basis upon which the East-India Company was originally incorporated, without reflecting that Great Britain owes to their exertions the valuable trade with India and China, as well as its maintenance during two centuries, amidst great embarrassment at home and the powerful opposition of European and Native enemies abroad, and that in its prosecution the Company laid the foundation of the British Empire in India.

The extension of the Company's Territorial Possessions became matter of great national interest, and led to political power under Parliamentary regulation being engrafted upon their commercial character.

The union of Government and Trade being thus considered the system best calculated to preserve the stability of our rule in India, and at the same time to secure the greatest benefits to that country and to England.

The opinion of those statesmen who took the leading part in the proceedings of 1793 and 1813 prove that they were governed by the same principles in proposing the arrangements concluded at each of those periods, between the Public and the Company; and the following Extracts from the last Report of the Parliamentary Committee printed in August 1832, appear to us to establish the fact that these joint functions have hitherto produced the most beneficial effects.

“ That the British sway has conferred very considerable benefits on India
 “ can hardly be doubted, since under our government the people enjoy advantages which all history shews they never possessed under their own princes,
 “ protection from external invasion, and the security of life and property.”*

Again,

* *Vide* page 19 of the Report of the Select Committee on the Affairs of the East-India Company.

Again,

“ The finances of India have derived advantage from their existing connexion with the Commerce of the Company,

“ 1st. Through the direct application of surplus Commercial Profit ;

“ 2d. By the rates of exchange at which the Territorial advances from Commerce in England have been repaid to Commerce in India ;

“ 3d. In consequence, as is alleged, of the remittances from India annually required for the payment of those Territorial charges defrayed in England having been made through the Company's Commerce.”*

With these admitted results, we consider that, although deprived of their Monopoly of the China Trade, but at the same time relieved from all the legal obligations by which their transactions have hitherto been fettered, the Company might have continued to trade with great advantage, especially as regards the question of remittance.

It was therefore with much surprise that we first perused the Hints submitted by His Majesty's Government, containing the proposition that the Company should henceforth abandon all Commercial operations, and transfer to Territory the whole of their assets at home and in India.

We nevertheless felt it to be our duty to give our best consideration to the proposed scheme,—we did so with an anxious desire that the Company, who had already secured such great advantages to their country, should not disappoint even its further expectations, but consent to waive the exercise of the Commercial rights which they possess in perpetuity, if the Proprietors were fully secured in the regular receipt of their present Dividend, and in the ultimate payment of their Capital, and provided that such a plan were devised as would enable the Company “ efficiently to administer the Government of India for a further term with credit to themselves and with advantage to that empire.”

It was with these views that we became parties to the Resolution passed by the Proprietors at the Ballot on the 3d May last, which formed the basis of the proposed compromise.

Two of the points contended for in that Resolution were the extension of the Guarantee Fund to Three Millions, and the provision for publicity as a rule.

To the first we still consider the Proprietors entitled, both in justice and in equity, from the proceeds of their Commercial Assets.

Th

No. CXLVIII.

Dissent by the
Chairman and
Deputy Chairman.

The latter provision we deem indispensable to the independence of the Court of Directors.

Neither point has been conceded, whilst other provisions have been introduced into the Bill which render the scheme, in our judgment, still more objectionable.

We consider that although some important modifications have been made in the Bill introduced into Parliament subsequently to the Resolution of the Court of Proprietors of the 3d May, particularly as regards the retention of Councils at the subordinate Presidencies, the measure as it stands involves an unnecessary departure from the principles upon which the Governments of those Presidencies have hitherto been conducted, and by which they were made directly responsible to the Authorities at home.

This change, so far from preventing the recurrence of the delay upon which much stress was laid in the late Parliamentary enquiry, will, in point of fact, increase the evil, and instead of relieving the Governor General from a portion of those duties which are now complained of as too multifarious, it will impose upon him additional labour and responsibility. It will, moreover, admit of the existence at the same time of six distinct executive authorities, which may lead to much embarrassment.

We think the provisions of the Bill will create a considerable additional charge upon India without conferring any adequate benefit, whilst that country will by the same measure be deprived of those resources, without which her financial means, as regards both Income and Remittance, will be put to great hazard.

Upon the point of Remittance, we are at a loss to imagine how the same is to be effected to the requisite extent, and if effected we fear it will be at a very unfavourable rate of exchange, and, consequently, at a great loss to the Indian finances.

We are likewise of opinion that the Bill leaves the Assets transferred to Territory to be applied and disposed of in a manner which we much fear will occasion not only a serious deterioration of property, but great disappointment and distrust; and lastly,

We consider that the Court of Directors, instead of being placed by the present Bill in the position in which alone they can independently, and consequently advantageously discharge their duties, will be converted into little else than a mere instrument for the purpose of giving effect to the acts of the controlling Board, and it would consequently have been far better that

His

His Majesty's Government should have openly and avowedly assumed the direct Administration of India, than have attempted to maintain an intermediate body in deference to those constitutional principles which led to its original formation under Parliamentary regulation, but deprived of its authority and rendered inefficient by the present measure, and which will become, in our opinion, a mere useless charge upon the Revenues of India.

In thus stating our sentiments we discharge a painful but at the same time what we feel to be an imperative duty, and with this feeling we cannot consent to incur the responsibility of recommending to our constituents to confirm the compromise, by consenting to place their Chartered Rights in abeyance under the provisions of the present Bill.

East-India House,
the 12th August 1833.

(Signed) C. MAJORIBANKS,
W. WIGRAM.

No. CXLVIII.

Dissent by the
Chairman and
Deputy Chairman.

FURTHER PAPERS

RESPECTING

THE EAST-INDIA COMPANY'S CHARTER.

1833.

L O N D O N :

PRINTED BY ORDER OF THE GENERAL COURT, FOR THE INFORMATION
OF THE PROPRIETORS,

BY J. L. COX AND SON, 75, GREAT QUEEN STREET.

1833.

LIST OF PAPERS.

No.	Page
149. Minute of a Court of Directors, held on Tuesday, the 13th August 1833	467
150. Letter from Henry St. George Tucker, Esq. to the Honourable Court of Directors, dated the 12th August 1833	468
151. Paper by Henry St. George Tucker, Esq. referred to in the preceding Letter ...	469
152. Paper by John Thornhill, Esq.....	478
153. Letter from William Astell, Esq., William Stanley Clarke, Esq., George Raikes, Esq., Henry Shank, Esq., Sir William Young, Bart., Russell Ellice, Esq., William Butterworth Bayley, Esq., Richard Jenkins, Esq., George Lyall, Esq., John Cotton, Esq., John Petty Muspratt, Esq., Henry Alexander, Esq., John Masterman, Esq., and James Law Lushington, Esq., to the Honourable Court of Directors, dated 13th August 1833	479
154. Minute of a General Court of the United Company of Merchants of England trading to the East-Indies, held on Tuesday the 13th August 1833	483
155. Minute of a Court of Directors, held on Tuesday, the 13th August 1833	487
156. Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated 13th August 1833	488
157. Minute of a Court of Directors, held on Wednesday the 14th August 1833.....	489
158. Letter from the Right Honourable Charles Grant to the Chairman and Deputy Chairman, dated 12th August 1833	490
159. Ditto ... ditto ... ditto dated 13th August 1833.....	491
160. Letter from the Chairman and Deputy Chairman to the Right Honourable Charles Grant, dated 14th August 1833.....	<i>ib.</i>
161. Ditto ... ditto ... ditto ... ditto.....	492
162. Letter from the Right Honourable Charles Grant to C. Marjoribanks, Esq., dated 14th August 1833	495
163. Letter from W. Courtenay, Esq. to the Right Honourable Charles Grant, dated 14th August 1833 (referred to in the preceding)	<i>ib.</i>
164. Memorandum respecting Clause LII. as to Law Commission.....	496

No. CXLIX.

AT A

COURT OF DIRECTORS,

Held on Tuesday the 13th August 1833.

A letter from Henry St. George Tucker, Esq., a Member of the Court, No. CXLIX.
dated 12th instant, enclosing a paper recording a review of those considera-
tions which prevented him from assenting to the proposition submitted to the Court by the Chairs on that day, for declining to recommend to the Proprietors to put their commercial rights in abeyance under the arrangements embodied in the present East-India Bill, being read; also

Court of Directors,
13 Aug. 1833.

The Paper enclosed by Mr. Tucker, which states at length his opinion upon the Bill, and concludes with recommending to the Proprietors to "accept the Bill with all its defects." (See Nos. CL. and CLI.)

A paper signed by John Thornhill, Esq., a Member of the Court, dated this day, concurring with Mr. Tucker in his objections to the Bill, but nevertheless joining in the recommendation to the Proprietors to accept the Bill; (See No. CLII.) and

A letter signed by the undermentioned Members of the Court, also dated this day, stating the general grounds which induced them to support the Resolution adopted by the majority of the Court yesterday to recommend the Proprietors to make a fair trial of the proposed Charter, viz.

William Astell, Esq.,
William Stanley Clarke, Esq.,
George Raikes, Esq.,
Henry Shank, Esq.,
Sir William Young, Bart.,
Russell Ellice, Esq.,

No. CXLIX.

Court of Directors,
13 Aug. 1833.

W. B. Bayley, Esq.,
 Richard Jenkins, Esq.,
 George Lyall, Esq.,
 John Cotton, Esq.,
 J. Petty Muspratt, Esq.,
 Henry Alexander, Esq.,
 John Masterman, Esq., and
 Colonel J. L. Lushington, C. B. (See No. CLIII.)

Ordered, That the said several letters and papers be laid before the General Court to be held this day.

(For further Proceedings of the Court of Directors of this day, See No. CLV.)

No. CL.

LETTER from HENRY ST. GEORGE TUCKER, Esq. to the
 Honourable COURT OF DIRECTORS.

East-India House, 12th August 1833.

No. CL.

Letter from
 Mr. Tucker,
 12 Aug. 1833.

HONOURABLE SIRs:

I request permission to record on our Proceedings the accompanying Paper, containing a review of those considerations which prevented me from assenting to the proposition of the Chairs, with whom I have generally concurred and co-operated throughout the whole course of our anxious negotiation with His Majesty's Ministers.

I have the honour to be,

Honourable Sirs,

Your faithful servant,

(Signed) HENRY ST. GEO. TUCKER.

The Honourable Court of Directors,

&c. &c. &c.

No. CLI.

PAPER by HENRY ST GEORGE TUCKER, Esq. *referred to in the preceding Letter.*

No. CLI.

Mr. Tucker's
Paper,
12 Aug. 1833.

WE are now called upon to decide on the momentous question of accepting or rejecting the plan of His Majesty's Ministers for the future administration of British India, and the decision in favour of either alternative is full of difficulty and embarrassment.

The plan, as a whole, seems to me to be liable to many objections; but we have advanced so far that we cannot now retrace our steps without serious inconvenience.

It is much to be regretted, that the entire plan was not at once submitted to the consideration of those who have so deep an interest in the result. The Proprietors of East-India Stock had, in the first instance, a boon held out to them in the shape of a beneficial annuity. This was accepted, and I fear too eagerly, because from that moment all power of resistance on their part was virtually surrendered. The Public concluded that we were satisfied; that we acted in full concurrence with the views of His Majesty's Government; and the Public itself apparently concurred in the projected changes. Even if circumstances had arisen to excite distrust, the jealous feeling with respect to the British Constitution, which at a former period produced such memorable events, would seem no longer to have existence in this country.

Without insisting that it was intended, or desired, to take any undue advantage of our position, we have been placed, or we have placed ourselves, in a situation of great disadvantage. We have had little time to examine the measure in its rapid progress through its different stages. The plan was framed originally without concert with us. We have urged various objections to it with more or less success. Indeed, it is but fair to admit, that attention has been paid to our representations, and that some very objectionable clauses in the Bill have been modified and amended: but, still the leading features of the plan, both commercial and political, remain unchanged; and questions of vast magnitude and importance have been disposed of, in opposition to the views and opinions of those most interested in their proper solution, and most competent, I may presume to think, to form a correct judgment on their merits.

The plan of the Indian Minister has at length assumed a determinate shape,

No. C.LI.

Mr. Fucker's
Paper,
12 Aug. 1833.

and we are now in a condition to pronounce finally on its general character and tendency.

Viewed in its commercial and financial relations and bearings, it impresses me with the most serious apprehension. A more sudden or violent change in the commercial policy of a country has rarely been witnessed; and although it may not be attended with permanent evil, it must produce temporary derangement. The accustomed channel of commerce has been broken up, the stream has been diverted from its course, and those noble establishments which flourished on its banks are now doomed to desolation and ruin. We ought to have made a stand at the threshold, and to have insisted, as a preliminary condition, that time should at least be allowed us to wind up the commercial concerns of the Company, and to prepare for the gradual introduction of those changes in our commercial system, which may have so extensive an influence upon the national interests, and more immediately upon the prosperity of this vast Metropolis.

My objections to the commercial changes now in progress have been repeatedly urged and recorded; but without adverting again to their probable effect on the national revenue and on the interests of the British consumer, without insisting on their tendency to disturb our relations with the Chinese Empire, I will briefly notice those parts of the plan which, directly or indirectly, affect the Proprietors of East-India Stock, who are now called upon to decide whether, on a deliberate review of its provisions, they ought to sanction and accept it.

1st. By the immediate and peremptory suppression of the Company's trade with China a heavy loss must be sustained in the course of realising the commercial assets. This sacrifice will be made *at the expense of India*, whose debt it was proposed to redeem by the application of those assets; and it is quite evident that any pecuniary sacrifice which India is called upon to make must, in a greater or less degree, affect the security of our annuity.

2d. The Guarantee Fund of Two Millions has always appeared to me to be quite inadequate, either as a means of securing the punctual payment of the annuity of £630,000, or of providing for the ultimate redemption of the principal of twelve millions.

3d. It appears to me that no plan has yet been devised, or can easily be had recourse to, for effecting with safety and punctuality the territorial remittance from India for the payment of the annuity to the Proprietors of East-India Stock, for the satisfaction of other obligations, and for defraying the various charges in this country which must be borne by the Indian revenue.

4th. It appears to me that it would be highly unjust, if it were practicable, to provide for the payment of the annuity of £630,000 *in preference to other demands*, such as bills of exchange drawn for the interest of the territorial debt, military and civil pensions and allowances, bills for military stores and other supplies, the Carnatic and Tanjore debts, and other acknowledged debts and obligations. The Indian creditor has already just ground of complaint, for a doubt has been expressed (most unadvisedly) by the Indian Minister with respect to his holding any security or lien on the territory, and to assign a preference or precedence to any new class of claimants would be a glaring infraction of his pre-existing rights.

5th. It appears to me that a most inconvenient season has been chosen for breaking up our remittance machinery, when the commercial community of Calcutta is known to be in a state of the greatest distress and embarrassment, and when it is quite clear that the Indian Minister is not prepared with any substitute for our agency. Indeed, I cannot persuade myself that Mr. Grant is aware of the extent of the remittance which will be required for the payment of the Carnatic, Tanjore, and other claims, in addition to the ordinary demands upon the Home Treasury, including the annuity of £630,000. I will not, in this place, enter on the subject of the Salt and Opium revenue, although it bears directly upon the present question; but as those monopolies have been denounced in Parliament, and as an intention has been expressed in a high quarter in favour of their abolition, I will just observe, that the same revenue cannot, in my opinion, be raised in India by means less objectionable, and that if these productive taxes be dispensed with, or be rashly tampered with, India will not be able to discharge its pecuniary obligations. We seem ready with one hand to relinquish revenue, while with the other we are imposing new burthens on the finances of India; and in both instances we circumscribe its means of providing for the annuity to the Proprietors of East-India Stock.

I will now proceed to notice those changes in the constitution of the Administrative Body which appear to me likely to have an injurious tendency.

1st. I cannot satisfy myself that the Court of Directors will continue to be an efficient and independent organ of administration. I perceive only two powerful functionaries, the Governor General of India and the President of the Board of Commissioners; and upon these must the fate of India henceforward mainly depend. We may afford useful assistance by our knowledge and experience; but we shall not be the governing power, nor ought the responsibility of governing well to attach to us.

Nq.CLI.

Mr. Tucker's
Paper,
12 Aug. 1833.

No. CLI.

Mr. Tucker's
Paper,
12 Aug. 1833.

2d. Although the change in the constitution of the Supreme Government will impart great energy to it, an energy very necessary to counteract the evil which particular provisions of the Bill are calculated to introduce, I cannot admit the necessity for adding so many Members to the Supreme, or Legislative Council of India at a very great expense. Had the Councils at the subordinate Presidencies been dispensed with, some plea might have been found for enlarging the apparatus of the Supreme Government; but it has been most wisely determined, that the Governments of Fort St. George and Bombay should retain their Council, and continue to exercise nearly the same functions as heretofore, and I cannot, therefore, perceive the necessity for so large an addition to the Council of Bengal.

* 3d. I anticipate much inconvenience from the institution of a Law Commission for the revision of our local Regulations, professedly with a view to introduce greater uniformity in the code. The expense of such a Commission, with its attendant establishments, will be very considerable; and if the inquiry contemplated be necessary, it is quite competent to the local Government to institute it without any legislative enactment in this country. The real object seems to be, to prepare for the introduction of English law; and I am persuaded that, in the estimation of our native subjects, a greater evil could not well be inflicted on them. "You cannot," observes a writer on Mohammedan Law, "change the law of any country for that of any other, even for a better, "without offering great violence to the people,—to the people of India of all "others."

The truth of this remark can scarcely be disputed. It were most unreasonable and extravagant to compel the countless millions of India to acquire a foreign language and to submit to an unknown law, even if their prejudices were not so deep rooted in favour of their own. Their present rulers, few in number, can, from the advantages of education, and the habit of study, acquire without difficulty the languages and laws of the multitude over whom they are placed, but we cannot recast a whole people in a new mould. The Mahomedans did, it is true, enforce their criminal code, and they made use of the Persian language very generally in official correspondence, in their sunnuds or grants, and in other deeds and public documents; but their example is not one which we ought to follow in this particular; and they were placed in a situation which enabled them to indulge their own prejudices, and to enforce an arbitrary policy with less hazard to their dominion.

The 112th section of the Bill opens the door completely to the influx of
English

English lawyers into India. Now there are already sixty-six Attornies upon the register of the Supreme Court of Calcutta, and it is understood that the great body of the profession at the three Presidencies is almost without business, the Natives having learnt by dearly purchased experience that English law may cost too much. Unless, then, it be in contemplation to admit English practitioners into our Provincial Courts, I cannot perceive any reason for encouraging them to repair to India. To admit them into those courts would be virtually to supersede the Vakeels, or native pleaders, at a time when we are professing great solicitude to bring forward our native subjects into public employment; but this wrong to a particular class would be as nothing, when compared with the evils to which the native population at large would be exposed by the introduction of the lower order of Attornies among them. They are already much too prone to litigation, and are accustomed to resort to a court of justice as an arena in which they can give vent to their bad passions; and when I perceive a disposition to favour the settlement of Europeans in the provinces, without even the check of a license;* when facilities are given to gentlemen of the legal profession of every description, including the Scotch† bar, to repair to India, with the same privilege of residence in the interior, I cannot but feel that we are compromising the safety of our native subjects as well as the general peace of the country. We may expatiate on the benefits to be derived from British enterprize, skill, and capital, but each European who goes to India usually imposes a tax upon that country: he carries nothing with him, and he brings away as much as he can, as speedily as he can. The public records, from 1775 to the present day, would furnish me with abundant materials to shew that the natives have suffered grievous injury from the conduct of Europeans in the interior, as well as from the processes of the King's courts, but such details would here be inconvenient and out of place. But section 83 of the Bill goes a step further, and allows Europeans to *acquire and hold lands in India without any limitation*. I have never objected to, the licensed residence of British subjects of good character, even, in the more remote districts, for the purpose of carrying on commerce and of establishing manufactures; and with a view to these particular objects they might be permitted to hold or rent land to a limited extent; but in allowing them to become landed proprietors without any restriction,

No. CLI.

Mr. Tucker's
Paper,
12 Aug. 1833.

* Sections 78 and 80

† Section 112.

No. C. L. I.
 Mr. Tucker's
 Paper,
 12 Aug. 1833.

tion, we abandon our established policy in a way so hazardous and objectionable, that I cannot contemplate the innovation without uneasiness. I may be told that we shall benefit the present Proprietors by creating a competition for land, which must enhance its value; and I may be desired to place full confidence in British justice and in the omnipotency of the law. The law is a powerful auxiliary to the strong, but it is but too often a feeble ally to the weak, the timid, and the ignorant. European energy, intelligence, influence, and intrigue, will be too powerful for the Zemindar, and I already anticipate a struggle for the most cherished possession of our native subjects, for the most valuable property which we have left them, with little expectation that they will long retain it in peace and security. Let me not be told that these are the forebodings of a morbid imagination. Read the preamble to Regulation I. of 1821; see how our Native servants have succeeded in ousting and superseding the rightful owners of the soil, and say if their European superiors, armed with magisterial and fiscal authority, will not have it in their power to countenance and favour their relatives, friends, and dependants, in their views upon the lands of India. Foreigners would scarcely believe that we did not permit British subjects to acquire landed possessions in our territory, but they offered the tribute of respect to this self-denying policy, as wise as it was humane. This tribute we must now be content to forego.

The unrestrained influx of the lower classes of Europeans into the provinces appears to me to be pregnant with such evil to the State, to our Native subjects, and to the individuals themselves, that I must be permitted to enlarge upon the probable consequences.

Such persons will degrade the European character in the eyes of the people by indulging in every kind of low dissipation, disgusting to the Natives and fatal to themselves, in a climate which is scarcely endurable by the European constitution, except under circumstances very favourable to health and comfort.

They will frequently come into collision with the Natives, instigated by intemperance, and by an habitual contempt for the native character. Their violence will provoke resistance and retaliation. Numbers will in the end prevail, and the Natives will learn a lesson not at all conducive to the preservation of peace and good order, nor favourable to the maintenance of our supremacy.

A kind of awe and respect has hitherto surrounded and consecrated the European character in India, but we seem studious to remove the veil. The appearance,

appearance, manners, habits, and demeanour of the lower Europeans in that country are calculated to inspire our Native subjects with disgust and aversion, and a portion of this feeling must by degrees extend itself and attach to the national character.

The very circumstance, too, of our bringing Europeans into our Courts of Justice upon a level with the Natives, and of our employing the native officers of those courts to serve processes upon them (always at some risk of resistance), must tend to lower the European, while the difficulty of constituting a judicature, and of framing a code of laws which shall be alike applicable to Christians of all sects, to Mahomedans and Hindoos, appears to me to be almost insuperable.

The lower classes who will flock to India as mariners, servants, artisans, and mechanics, will soon find the wages of labour in that country, although upon a scale to maintain the frugal Hindoo and industrious Chinese, to be altogether insufficient to afford *them* a bare subsistence, and they will in many instances become a burthen upon the community and the Government. They will be in that country what the Lascars are in this, but in much greater numbers, and the Government will be compelled to send them back, at great expense to Great Britain. It will be said, that experience cannot fail to cure the evil; but does the experience of hardship and suffering by particular individuals prevent others from following the same course? Does it, in this and the neighbouring island, prevent those early and improvident marriages which so often lead to pauperism and wretchedness? It is an imperative duty upon a Government to guard its less-informed subjects, as far as possible, against their own imprudence, and it is most especially the duty of the British Government to protect the Natives of India of every class and degree in their rights, in the free exercise of their religion, in the use of their own laws and institutions, in the undisturbed possession of their property, and in the peaceful enjoyment of personal liberty. For these great benefits I have been contending, and must contend.

Section 85 of the Bill, which originally required the peremptory abolition of slavery, has been modified and very much improved; but it ought to have been expunged altogether, for legislation on this subject can only take place with safety on the spot. The local Governments are quite competent to enact laws for the regulation and gradual extinction of slavery, whenever this can be done with a prudent regard to the public interests and the safety and welfare of the community; and the enunciation, here, of an intention to make so great an alteration in the state and relations of society, can only tend

No. CLI.

Mr. Tucker's
Paper.

12 Aug. 1833

No. C.LI.
 Mr. Tucker's
 Paper,
 12 Aug. 1833

to create alarm, and to interpose difficulties in the way of accomplishing the desired object. The subject was considered in Bengal to be one of such extreme delicacy, that although very able minutes were written some years previously by Mr. Henry Colebrooke and other Members of the Government, it was not judged prudent to place them upon the public records until 1826. To these documents,* and to an essay on the subject by Professor H. Wilson, published in 1825,† I must beg to refer, as strongly corroborating the view which I took of the question in a former dissent, and as containing very useful information on a question of high interest.

Feeling, as I do, such weighty objections to parts of the Bill before me, what is the duty which I owe to my Constituents and to the Public? Ought I to advise the Proprietors of East-India Stock to reject the plan of the King's Ministers and to stand upon their chartered rights? This is a question which must not be lightly treated, and we must look forward to the probable consequences of such a decision with that deliberation and forecast which become men who have valuable interests at stake. We must examine cautiously and carefully our situation, to determine in what scale the good or evil may be expected to preponderate.

1st. By rejecting the plan, our stock, which at present bears a value approaching to fifteen millions sterling, would probably fall back to twelve millions, and it is not difficult to foresee that all arrangements connected with India must be thrown into a state of utter confusion.

2d. We should be exposed to a destructive competition in the course of conducting the Company's trade, and the eager adventurers who would instantly rush into the tea trade, would soon render it the source of loss to both parties.

3d. However unjustly, we should probably be burthened with the Home Bond Debt, without having any means of relief against the King's Government.

4th. That Government might even interpose difficulties in the way of our obtaining reimbursement of the large sum which has been advanced from our commercial funds for territorial purposes.

5th. A question might be raised as to our right to appropriate heretofore any commercial profits to the augmentation of our commercial capital.

6th.

* See Proceedings of Supreme Government in December 1826.

† See Oriental Magazine for 1825, vol. iv. page 113, *et seq.*

6th. The King's Ministers might demur to the admission of our just claim to our lands and estates, our forts, factories, and other buildings on the territory and islands of India; and although such a proceeding would be unjust in the extreme, we must not conceal from ourselves, that such a contingency may occur, and that, if these and other arbitrary proceedings of the kind should be resorted to, the value of our Commercial property must be materially affected, and it might be found difficult to realize for the Proprietors even their capital of twelve millions.

Let us not forget, moreover, that although the Court of Directors will be very inefficient as an administrative body, they will still retain powers which may be beneficially exerted for the good of India.

We shall retain, under section 37 of the Bill, the power of appointing the Members of Council at the different Presidencies, and we shall continue to exercise, concurrently with the Board, the power of appointing, and the absolute power of recalling the Governors of India and other high functionaries. This must give us influence, and it will constitute an important security against mal-administration.

Under section 41 we shall be invested with the power to repeal, alter, and amend the Laws and Regulations enacted by the local Legislature; and this is unquestionably a very salutary provision for securing to the population of India the benefit of good laws. There are other judicious and useful provisions in the Bill (that, for instance, in section 44) which ought not to be overlooked or undervalued by us.

And if we throw up and withdraw, what will be the result? It is to be apprehended that the administration of our Eastern possessions will fall into less experienced hands, that India will be over-run and disturbed by commercial and political adventurers, and that the integrity of the British Constitution will exist only by the sufferance of the Minister who should hold an uncontrolled sway over twenty-two millions of annual revenue. If (I must repeat) we should determine to abdicate our functions, those evils to India which are most to be deprecated and dreaded will probably be aggravated; for the Ministers will be justified in assuming the entire administration and patronage of that vast empire, to gratify their political adherents and to strengthen their Parliamentary influence.

Upon the whole, then, after long and anxious reflection, I am compelled to say to our constituents (not with perfect confidence I own), accept the Bill with all its defects; and let us, by our prudence and firmness, remedy, as far

No. CLI.

Mr. Tucker's
Paper,
12 Aug. 1833.

No. CLI.

Mr. Tucker's
Paper,
12 Aug. 1833.

as we can, the disadvantages of our situation, and by the faithful and zealous fulfilment of our duties, promote to the utmost the prosperity and happiness of the people of India.

(Signed) HY. ST. GEO. TUCKER.

East-India House,
12th August 1833.

No. CLII.

No. CLII.

PAPER by JOHN THORNHILL, ESQ.

Mr. Thornhill's
Paper,
13 August 1833.

I CONCUR with Mr. Tucker in the objections to the East-India Bill, which he has very forcibly stated in the foregoing Minute. I regret, even more strongly than he has expressed, the serious encroachment made by the Bill upon the authority of the Court of Directors. Every independent power which they now possess, excepting certain appointments to office, is taken away; so that, instead of meeting, as they now do, to decide absolutely upon multifarious details arising out of the administration of India, they will meet only to address the Board on every such detail and to register its edicts.

The servants who now look to the Court only to decide their several claims and applications, will transfer their regard to the Board.

Nevertheless, I consider it my first duty to attend to the interests of the Proprietors. In doing so, I am prepared to sacrifice my feelings as a Member of the Executive, and I therefore join the majority of my Colleagues in recommending the acceptance of the Bill.

(Signed) J. THORNHILL.

13th August 1833.

No. CLIII.

LETTER *from*

WILLIAM ASTELL, Esq.

WM. S. CLARKE, Esq.

GEORGE RAIKES, Esq.

HENRY SHANK, Esq.

SIR WILLIAM YOUNG, Bart.

RUSSELL ELLICE, Esq.

WM. B. BAYLEY, Esq.

RICHARD JENKINS, Esq.

GEORGE LYALL, Esq.

JOHN COTTON, Esq.

J. P. MUSPRATT, Esq.

HENRY ALEXANDER, Esq.

JOHN MASTERMAN, Esq.

J. L. LUSHINGTON, Esq.

• *To the Honourable COURT of DIRECTORS.*

GENTLEMEN :

We feel called upon, in consequence of the dissent of the Chairs, to state the general grounds which induced us to support the resolution adopted by the majority of this Court yesterday.

It is at all times matter of regret to us, when we find ourselves on any measure opposed to the opinion of the Chairs; and that regret is much increased, when the difference arises on a question of such moment as that which at present divides us. We feel it the more, because we think the Chairs have succeeded, since the opening of the present negotiation, in obtaining important modifications in the plan as originally proposed, as well as in the Bill now before Parliament.

We concur in many of the views entertained by the Chairs; and were we to consult only our personal feelings, we might possibly arrive at the same conclusion: but in deciding on a question involving such various interests, and encompassed on all sides with much difficulty, we feel bound to pursue that course which, upon the whole, appears to us to be most conducive to the interest of the Proprietors and to the welfare of India.

We sincerely wish that the scheme proposed by His Majesty's Ministers had been based on established principles, the soundness of which had been proved by the result of long experience, rather than upon untried theories; but we cannot forget that the basis of the present compromise was agreed to by the Company on the motion of the late Sir John Malcolm, not hastily, but after seven days' discussion; not by a shew of hands, ~~but~~ by the Ballot on the 3d May last, and by a majority of 425 Proprietors out of 477.*

On that occasion the Company adverted to the long and intimate connexion which had existed between them and India, and declared "that, if Parliament

No. CLIII.

Letter from
Wm. Astell, Esq.
W. S. Clarke, Esq.
Geo. Raikes, Esq.
H. Shank, Esq.
Sir W. Young, Bart.
Russ. Ellice, Esq.
W. B. Bayley, Esq.
R. Jenkins, Esq.
Geo. Lyall, Esq.
John Cotton, Esq.
J. P. Muspratt, Esq.
H. Alexander, Esq.
J. Masterman, Esq.
and
J. L. Lushington, Esq.

No. CLIII.

Letter from

W. Astell, Esq.,
 W. S. Clarke, Esq.,
 Geo. Raikes, Esq.,
 T. Shank, Esq.,
 Sir W. A. Bart.,
 Russ. Ellice, Esq.,
 W. B. Bayley, Esq.,
 R. Jenkins, Esq.,
 Geo. Lyall, Esq.,
 John Cotton, Esq.,
 J. P. Muspratt, Esq.,
 H. Alexander, Esq.,
 J. Masterman, Esq.,
 and
 J. I. Lushington,
 Esq.

“ in its wisdom should consider, as His Majesty’s Ministers have declared, that
 “ the advancement of the happiness and prosperity of our Native subjects
 “ may be best promoted by the administration being continued in the hands
 “ of the Company, but divested of their commercial character, the Court of
 “ Directors, having suggested, as it was their duty to do, the difficulties and
 “ dangers, political as well as financial, which beset the dissolution of the
 “ connexion between the territorial and the commercial branches of their
 “ affairs, will not shrink from the undertaking even at the sacrifices required,
 “ provided that powers be reserved to enable the Company efficiently to admi-
 “ nister the Government, and that their pecuniary rights and claims be
 “ adjusted upon the principle of fair and liberal compromise.”*

Power was also claimed to enable the Company to make suitable provision for outstanding commercial obligations, and for such of the commercial officers and servants of the Company as may be affected by the proposed arrangements.

The resolution having been communicated to Mr. Grant, that gentleman, in his letter of 27th May, declared it to be the anxious wish of His Majesty’s Government “ to accommodate themselves, as far as it be practicable, to the
 “ views and feelings of the Company,”† and pointed out the modifications which had been made.

The Court of Directors, on the 29th May,‡ acknowledged with much satisfaction the several modifications of the plan of Government which that letter announced, and were persuaded that their Constituents, equally with themselves, would appreciate the spirit of frankness and conciliation in which those modifications had been conceded. They expressed themselves satisfied with the manner in which the dividends were to be regularly paid,§ but re-urged the fair claim of the Proprietors to an increase of the Guarantee Fund, and likewise provision for a rule of publicity to Parliament.

Upon the reply from His Majesty’s Ministers of the 4th June, in which explanations were made as to the Guarantee Fund, and the redemption of the annuities, and reasons assigned for withholding concurrence in the establishment of a rule for publicity before Parliament, the Court of Directors came to a resolution, “ that they were prepared to recommend, that if it should be the
 “ pleasure of Parliament to limit the sum to be set apart to two millions, the

“ Proprietors

* Page 163, printed Charter Papers.

† Ibid. page 185.

‡ Ibid. page 191.

§ Ibid. page 193.

“ Proprietors should defer thereto;” * and that the question of publicity should be left to the decision of Parliament, the Court confidently expecting, that Parliament would view the importance of such a provision in the same light as the Court.

The General Court of Proprietors, on the 10th June, concurred in opinion with the Court, and adopted their recommendation. †

The principles of the basis of the compromise were thus virtually ratified by the Company, leaving the two points, as to the increase of the Guarantee Fund, and the enacting a rule of publicity, to the pleasure of Parliament.

On the 25th June, Mr. Grant transmitted to the Court a Summary, containing the main provisions of the intended Bill, and on the 29th a copy of the Bill as it had been introduced into the House of Commons.

It is unnecessary for us to enter at length into a review of its provisions.

The Court's objections to the measure have been fully stated in their Correspondence with His Majesty's Government, and some of the principal points have been urged in the Company's Petition to the House of Commons, and subsequently to the House of Lords, and both Houses have had before them the whole of the Papers connected with the present negotiation.

In the Petition to the House of Lords, presented so late as the 5th instant, it is declared, that “ Your Petitioners are seriously desirous that no obstacle “ should arise on their part to the arrangement which Parliament, in its “ wisdom, shall deem to be best calculated to promote the welfare of India and “ the commercial prosperity of the United Kingdom;” but the Court prayed to be heard by Counsel on the following points :

For establishing a rule of publicity ;

Against the establishment of a fourth Presidency instead of a Lieutenant Governor at Agra ;

Against the abolition of Councils at Madras and Bombay ;

Against the maintenance of Haileybury College ; and

. On the increase of expense likely to arise from an extension of the Ecclesiastical Establishment.

Both Houses have declined to entertain the question of publicity, and both have resolved to maintain Haileybury College and to increase the Ecclesiastical Establishment, as well as to authorize a Government at Agra ; but, at the same time, concessions had been made in the import and provisions regarding the Councils, which are to be maintained as at present, reserving power to the Company to abolish them at a future period; should it be thought expedient.

No. CLIII

Letter from
W. Astell, Esq.
W. S. Clarke, Esq.
Geo. Raikes, Esq.
H. Shank, Esq.
Sir W. Young, Bart.
Russ. Elliot, Esq.
W. B. Bayley, Esq.
R. Jenkins, Esq.
Geo. Lyall, Esq.
John Cotton, Esq.
J. P. Muspratt, Esq.
H. Alexander, Esq.
J. Masterman, Esq.
and
J. L. Lushington,
Esq.

A very

* Charter Papers, p. 203.

† Ibid. p. 213.

No. CLIII.

Letter from
 W. Astell, Esq.,
 W. S. Clarke, Esq.,
 Geo. Raikes, Esq.,
 H. Shank, Esq.,
 Sir V. Young, Bart.,
 Russ. Ellice, Esq.,
 W. B. Bayley, Esq.,
 R. Jenkins, Esq.,
 Geo. Lyall, Esq.,
 John Cotton, Esq.,
 J. P. Muspratt, Esq.,
 H. Alexander, Esq.,
 J. Masterman, Esq.,
 and
 J. L. Lushington, Esq.

A very important alteration has likewise been made in the clause as to Slavery, and the declaration that it should cease throughout the Indian territories is omitted.

The question therefore was, whether the points which have not been conceded, form sufficient grounds to induce us to withhold a recommendation to the General Court, or whether, under all circumstances, we should not best discharge our duty to the Proprietors and to India, by recommending the General Court to confirm the compromise, and to place their chartered right of trade in abeyance under the provisions of the present Bill.

It should be recollected, that immediately before the acceptance of the Charter of 1813, a Committee of the whole Court recorded it as their opinion, that the general powers of superintendence and control of the Board were, even at that time, such that, if "exercised illiberally or vexatiously, it would be difficult for the Court of Directors to perform their functions." Much, therefore, must depend upon the spirit in which those powers are in future administered. If, as was then observed, liberally, it may be practicable for the Court of Directors to carry on the trust reposed in them satisfactorily; but if otherwise, then it is impossible to expect that men of character and liberal feelings will retain their seats in the Direction.

With this explanation of our sentiments, and with reference to the declaration of Mr. Grant, that it is the intention of His Majesty's Government that the Company, in their political capacity, "shall commence the exercise of their resumed functions in the utmost possible state of efficiency,"* we have resolved to recommend to the Proprietors to make a fair trial of the proposed Charter; and should obstacles arise, or unforeseen causes prevent or impede the execution of it by the Company, after their best endeavours have been used for the purpose, the responsibility of the failure will not attach to them.

(Signed)

RD. JENKINS,	W. ASTELL,
GEORGE LYALL,	W. S. CLARKE,
JOHN COTTON,	G. RAIKES,
J. PETTY MUSPRATT,	H. SHANK,
HY. ALEXANDER,	WM. YOUNG,
JOHN MASTERMAN,	RUSSELL ELLICE,
J. L. LUSHINGTON.	W. B. BAYLEY,

East-India House,
 Aug. 13th, 1833.

No. CLIV.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Tuesday, the 13th August 1833.

No. CLIV.

General Court,
13 Aug. 1833.

THE Chairman acquainted the Court that the proceedings which have taken place since their last meeting, including the Bill, as amended on the Report in the House of Lords, have been printed for the Proprietors, and that the Court is now met for the purpose of determining whether the Company will consent to place their Commercial Charter in abeyance, under the provisions contained in the Bill now before the House of Lords "for effecting an Arrangement with the East-India Company, and for the better Government of His Majesty's Indian Territories;" and

That the proceedings of the Court of Directors which took place yesterday on this subject would be read.

The following papers were then read, *viz.*

Minute of the Court of Directors held on Monday, the 12th August 1833.

Dissent by the Chairman and Deputy Chairman, dated the same day.

A letter from Henry St. George Tucker, Esq. dated the 12th instant, with a paper containing a review of the considerations which prevented him from assenting to the proposition made by the Chairs in the Court of Directors on the same day, respecting the Bill now before Parliament.

The paper enclosed by Mr. Tucker, which concludes with a recommendation to the Proprietors to accept the proposed Bill.

A letter addressed by John Thornhill, Esq. this day to the Court of Directors; and

A letter signed by the following Members of the Court of Directors, stating their reasons for supporting the Resolution recommending the acceptance of the Bill, *viz.*

No. CLIV.

General Court,
13 Aug. 1833.

William Astell, Esq.
William Stanley Clarke, Esq.
George Raikes, Esq.
Henry Shank, Esq.
Sir William Young, Bart.
Russell Ellice, Esq.
William Butterworth Bayley, Esq.
Richard Jenkins, Esq.
George Lyall, Esq.
John Cotton, Esq.
John Petty Muspratt, Esq.
Henry Alexamler, Esq.
John Masterman, Esq. and
James Law Lushington, Esq.

A Proprietor then submitted the following motion :

“ That this Court cannot contemplate without apprehension and alarm, the
“ great and important change about to be introduced in the system which
“ has been so long and so advantageously acted upon, as regards the admi-
“ nistration of the government of India through the instrumentality of
“ the East-India Company, whilst exercising the joint functions of govern-
“ ment and commerce, or view the provisions of the Bill now before Parlia-
“ ment, intituled ‘ An Act for effecting an Arrangement with the East-India
“ Company, and for the better Government of His Majesty’s Indian
“ Territories till the 30th day of April 1854,’ without fully participating in
“ the sentiments and apprehensions expressed by the Court of Directors
“ in their Resolution of the 12th instant, and throughout their correspondence
“ with His Majesty’s Ministers. But referring to the Resolution of the
“ General Court of the 3d May and to that of the 10th June last, and to the
“ various modifications which have been consented to on the part of Govern-
“ ment, and since introduced into the Bill in the course of its progress through
“ both Houses of Parliament, and fully aware of the difficult circumstances in
“ which the Company is placed, this Court thinks it expedient to defer to the
“ determination of the Legislature, relying on its wisdom and justice, in the
“ event of the expectations held out in the Correspondence alluded to being
“ disappointed, for such further Legislative measures as the interests of
“ India and those of the East-India Company may require. Having thus
“ recorded

“recorded their sentiments with regard to the Bill before the Court, and
 “confirmed the compromise contained therein, this Court desires solemnly to
 “assure His Majesty’s Government and the Country, that they will, to the utmost
 “extent of the functions with which they are about to be invested, contribute
 “to give effect to the Bill when it shall become law, and promote, to the best
 “of their ability, the happiness of India, and the honour and prosperity of
 “the East-India Company.”

Whereupon it was proposed to amend the said Motion by leaving out all the words after the word “That,” for the purpose of substituting the following, *viz.*

“the Court of Directors be instructed to intimate to His Majesty’s
 “Ministers, that the Court of Proprietors cannot, with justice to themselves
 “and to the people of India, consent to place their commercial charter in
 “abeyance, under the provisions of the Bill now before Parliament for effect-
 “ing an Arrangement with the East-India Company and for the better Govern-
 “ment of His Majesty’s Indian Territories.

“Because, whilst by the provisions of the said Bill, the Proprietors of India
 “Stock are to receive only the same yearly income, and the same amount of
 “capital at the expiration of their proposed Charter, as they were entitled to
 “under the present and former Charters, their security will be greatly
 “lessened, by the withdrawal of their commercial assets and their exclusion
 “from the trade with China, and they will be made wholly dependent for
 “their dividends on the Indian revenue, in which there is a growing
 “deficiency at a period of profound peace, after pushing retrenchment to the
 “utmost, although taxation has been carried to an extreme length, and ought
 “to be diminished instead of being increased, which cannot be attempted
 “without great danger to British supremacy and great misery to the natives
 “of India, already the most heavily taxed people upon the face of the earth ;
 “but which increase of taxation must inevitably take place, in order to meet
 “the heavy additional political charges arising out of the proposed plan for
 “the future government of India, if unhappily it shall be persevered in ; a
 “plan by which despotic power will be placed in the hands of one man over
 “a hundred millions of British subjects, and over every authority in India, not
 “excepting His Majesty’s Courts of Justice.”

And the question, “That the words proposed to be left out stand part of
 “the question,” being put,

No. CLIV.

A division was demanded, and Tellers were appointed, who reported that there were

General Court,
13 Aug. 1833.

39 votes for the Question.

10 votes against the Question.

—
29 Majority in favour of the Question.
—

The main Question, being as follows, was then put, *viz.*

“That the Court cannot contemplate without apprehension and alarm, the great and important change about to be introduced in the system which has been so long and so advantageously acted upon, as regards the administration of the government of India through the instrumentality of the East-India Company, whilst exercising the joint functions of government and commerce, or view the provisions of the Bill now before Parliament, intituled ‘An Act for effecting an Arrangement with the East-India Company, and for the better Government of His Majesty’s Indian Territories till the 30th day of April 1854,’ without fully participating in the sentiments and apprehensions expressed by the Court of Directors in their Resolution of the 12th instant, and throughout their correspondence with His Majesty’s Ministers. But referring to the Resolution of the General Court of the 8d May, and to that of the 10th June last, and to the various modifications which have been consented to on the part of Government, and since introduced into the Bill in the course of its progress through both Houses of Parliament, and fully aware of the difficult circumstances in which the Company is placed, this Court thinks it expedient to defer to the determination of the Legislature, relying on its wisdom and justice, in the event of the expectations held out in the Correspondence alluded to being disappointed, for such further Legislative measures as the interests of India and those of the East-India Company may require. Having thus recorded their sentiments with regard to the Bill before the Court, and confirmed the compromise contained therein, this Court desires solemnly to assure His Majesty’s Government and the Country, that they will, to the utmost extent of the functions with which they are about to be invested, contribute to give effect to the Bill when it shall become law, and promote, to the best of their ability, the happiness of India, and the honour and prosperity of the East-India Company.”

Whereupon

Whereupon a Ballot was demanded by the undermentioned Proprietors, *viz.* No. CLIV.

Sir Charles Forbes, Bart.

Thomas Fielder, Esq.

William Burnie, Esq.

John B. Gilchrist, Esq.

Henry Alsager, Esq.

A. Hogg, Esq.

M. Lewin, Esq.

John Addinell, Esq.

George Arbuthnot, Esq.

George B. Nixon, Esq.

Thomas M'Taggart, Esq.

J. C. Carpue, Esq. and

George Forbes, Esq.

General Court,
13 Aug. 1833.

and Friday the 16th instant was fixed for the decision of the said question by the Ballot, accordingly.

No. CLV.

AT A

COURT OF DIRECTORS,

Held on Tuesday, the 13th August 1833.

No. CLV.

THE Court adverting to the proceedings of the General Court this day on the East-India Charter Bill, approved the draft of an Advertisement giving notice that a Ballot will be taken at this House on Friday next the 16th instant, to determine the propriety of placing the Chartered Rights of the Company in abeyance, under the arrangements provided in the said Bill.

Court of Directors
13 Aug. 1833

The draft of a Letter to the Right Honourable Charles Grant at the India Board, requesting that he would be pleased to take the necessary measures, with the view to obtain a postponement by the House of Lords of the third reading of the Bill until the result of the Ballot on Friday shall be known, was likewise read and approved. (See No. CLVI.)

No. CLVI.

Letter from the CHAIRMAN and DEPUTY CHAIRMAN to the Right Honourable CHARLES GRANT.

East-India House, 13th August 1833.

No. CLVI.

SIR :

Letter to
the Rt. Hon.
Charles Grant,
13 Aug. 1833.

We have the honour to acquaint you, that the General Court of Proprietors met this day to consider the propriety of placing the Chartered Rights of the Company in abeyance, under the arrangements provided in the East-India Bill; and that a requisition having been made by nine Proprietors, qualified agreeably to law, for a Ballot to be taken for the decision of that important question, a Ballot has been accordingly fixed to be taken on Friday next, the earliest day which could be properly named for that purpose.

The Court therefore request, that you will be pleased to take the necessary measures, with a view to obtain a postponement by the House of Lords of the third reading of the Bill, until the result of the Ballot shall be known.

We have the honour to be,

Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CLVII.

AT A

C O U R T O F D I R E C T O R S ,

Held on Wednesday, the 14th August 1833.

A LETTER from the Right Honourable Charles Grant, dated at the India Board the 12th instant, acknowledging the receipt of the letter from the Chairman and Deputy Chairman of the 6th instant, urging an objection to the addition made to the 6th clause of the East-India Bill, relative to the grant of compensations or superannuations to persons affected by the discontinuance of the Company's trade, and stating that the subject is now under the consideration of His Majesty's Government; also stating, with reference to the request contained in the Chairman and Deputy Chairman's letter of the 7th instant, that the third reading of the Bill in the House of Lords has been postponed till Wednesday (this day), being read; (See No. CLVIII.) also

No. CLVII.

Court of Directors,
14 Aug. 1833.

Another letter from Mr. Grant dated the 13th instant, stating, with reference to the letter from the Chairman and Deputy Chairman of the 1st instant, which expressed the Court's wish that the Company should be in future exonerated from so much of the existing laws as subjects them to the care and expense of Chinese seamen; that an alteration to that effect has been made in the Bill to regulate the trade to China and India; but observing, with respect to the desire expressed that ships engaged in the country trade from India may be exempted from the tonnage-duty intended to be imposed in China with a view to meet the expense of superintending the trade there, that it is now proposed that the duty should be levied both upon tonnage and goods, and that he does not see upon what principle the trade in question could in fairness be exempted from a burden to which all other trade of British subjects carried on with China will be subjected. (See No. CLIX.)

Ordered, That the said letters be referred to the consideration of the Committee of Correspondence.

The Chairman from the Committee of Correspondence laid before the Court the Draft of a letter to the Right Honourable Charles Grant which had been agreed to by the Committee, requesting that he will bring under the consideration of His Majesty's Ministers the propriety of equalizing the duties

No. CLVII. duties levied in Great Britain upon the produce and manufactures of India with those of other parts of His Majesty's dominions; and stating that if that is done the Court will abandon their objection to the proposed duty in China upon tonnage and goods; whereupon

The said Draft of a letter was read and approved. (See No. CLX.)

The Chairman then laid before the Court the Draft of another letter to the Right Honourable Charles Grant, also agreed to in the Committee of Correspondence, calling his notice to, and earnestly pressing upon his immediate attention certain parts of the East-India Charter Bill respecting the constitution, powers, &c. of the Governments and Councils in India, which appear to the Court to involve doubtful construction, and which it may therefore be desirable should be modified and made clear and explicit.

And the said Draft of a letter having been read, was, on the question, approved. (See No. CLXI.)

No. CLVIII.

LETTER *from the Right Honourable* CHARLES GRANT *to the*
CHAIRMAN *and* DEPUTY CHAIRMAN.

No. CLVIII.

Letter from
the Rt. Hon.
Charles Grant,
12 Aug. 1833.

GENTLEMEN :

India Board, 12th August 1833.

I have to acknowledge the receipt of your letter of the 6th instant, urging an objection to the addition made to the 6th clause of the East-India Bill, relative to the postponement till after they have been laid before Parliament for two months, of the sanction of grants of compensations or superannuations to persons affected by the discontinuance of the Company's trade, and I beg to inform you that the subject is now under the consideration of His Majesty's Government.

With reference to the request contained in your letter of the 7th instant, that the third reading of the Bill in the House of Lords may be postponed until after the General Court has had an opportunity of passing a decision upon the question in reserve, you will have learnt that the request of the Court has been complied with, and the third reading postponed till Wednesday next.

I have the honour to be, Gentlemen,

Your most obedient humble servants,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. CLIX.

LETTER from the Right Honourable CHARLES GRANT to the
CHAIRMAN and DEPUTY CHAIRMAN.

India Board, 13th August 1833.

GENTLEMEN :

With reference to your letter dated the 1st instant, expressing the wish of the Court of Directors that the Company should be in future exonerated from so much of the existing laws as subjects them to the care and expense of Chinese Seamen, I have the pleasure to inform you that an alteration to that effect has been made in the Bill to regulate the trade to China and India.

With respect to the desire expressed, that ships engaged in the country trade from India may be exempted from the tonnage duty intended to be imposed in China with a view to meet the expense of superintending the trade there, I have to observe, that it is now proposed that the duty should be levied both upon tonnage and goods, and I do not see upon what principle the trade in question could, in fairness, be exempted from a burden to which all other trade of British subjects carried on with China will be subjected.

I have the honour to be,

Gentlemen,

Your most obedient humble servant,

(Signed) CHARLES GRANT.

The Chairman and Deputy Chairman
of the East-India Company.

No. CLX.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

East-India House, 14th August 1833.

SIR :

We are requested by the Court of Directors of the East-India Company to acknowledge the receipt of your letter, dated the 13th instant, and to express to you their thanks for the attention which you have paid to their
S U representation

No. CLIX.

Letter from
the Rt. Hon.
Charles Grant,
14 Aug. 1833.

No. CLX.

Letter to
the Rt. Hon.
Charles Grant,
14 Aug 1833

No. CLX.

Letter to
the Rt. Hon.
Charles Grant,
14 Aug. 1833.

representation upon that part of the China Trade Bill which relates to the care and expense of Chinese Seamen.

With respect to the tonnage duty, if the trade of His Majesty's subjects in India were upon a footing of equality with the trade of other British subjects, the Court would at once admit the justness of the principle upon which, as appears from your letter, the India trade is to be charged with that duty, viz. that it is a "burden to which all other trade of British subjects carried on with China will be subjected."

But when the Court consider that the people of India now labour under peculiar disadvantage, in respect both of their Sugar and their Piece Goods, when compared with all other British subjects, the Court cannot but think that so long as that inequality exists, the argument in favour of subjecting the country trade to the new charge, in question is altogether inapplicable.

The Court earnestly entreat that you will be pleased to bring under the consideration of the King's Ministers the propriety of equalizing the duties levied in Great Britain upon the produce and manufactures of India with those of other parts of His Majesty's dominions.

If that is done, the Court will at once abandon the objection which they have taken to the duty in China upon tonnage and goods as applicable to the country trade of India.

We have the honour to be,

Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,
&c. &c. &c.

No. CLXI.

LETTER from the CHAIRMAN and DEPUTY CHAIRMAN to the
Right Honourable CHARLES GRANT.

No. CLXI.

Letter to
the Rt. Hon.
Charles Grant,
14 Aug. 1833.

SIR:

East-India House, 14th August 1833.

We have the honour, at the request of the Court of Directors of the East-India Company, to call your notice to certain parts of the East-India Bill which appear to the Court to involve doubtful construction, and which therefore

fore you may perhaps deem it desirable should be modified and made clear and explicit.

The 36th and 37th clauses vest the Civil and Military Government of all India in a Supreme Council, composed of the Governor General, four ordinary Members of Council, and, if the Court think fit, the Commander-in-chief as an extraordinary Member; there may thus be six members of the Supreme Council.

By the 53d clause of the Bill the executive government of Fort William is vested in a Governor and three Councillors, and the Governor-general is constituted the governor of that presidency.

The doubt which arises upon these clauses is, whether a Council is to be appointed for Fort William independently of the Supreme Council. If not, in whom is the executive of Fort William to be vested, when under the 47th clause the Supreme Council quits that presidency?

The Quorum for purposes of legislation is by the 45th clause fixed at a Governor-general and three ordinary Members; there will then remain only one ordinary Member; he may be constituted deputy governor. The Commander-in-chief may be in the field, and then there will be no council.

If, again, it be intended that the members of the Executive Council at Fort William shall also be members of the Supreme Council, such members might, under the 73d clause, claim the salaries both of ordinary members of the Supreme Council and members of the Executive Council.

By the 67th clause of the Bill, authority is given for the Governor General visiting any part of India without his Council; and by the 52d clause of the Act of the 33d Geo. III. cap. 52, the Governor General, when he visits the subordinate presidencies, becomes Governor thereof.

If it be intended that this power should be continued to the Governor General, that intention appears inconsistent with the clause 64 of the present Bill, which declares that when the Governor General visits Madras, Bombay, or Agra, the powers of those subordinate Governments shall not be suspended.

By the 60th clause of the Bill, the office of Governor of the subordinate presidencies will in case of vacancy devolve on the Member of Council next in rank, that is, on the Commander-in-chief, if in Council; but by the present law, 33d Geo. III., cap. 52, sec. 30, the senior Civil Councillor succeeds, and the Commander-in-chief is precluded from succeeding as Governor unless he hold a provisional appointment for that purpose.

No. CLXI.

Letter to
the Rt. Hon.
Charles Grant,
14 Aug. 1833.

No. CLXI.

Letter to
the Rt. Hon.
Charles Grant,
14 Aug. 1833.

If it be intended to alter this practice, which the Court believe to be most salutary, that intention is not, we think, consistent with the 59th clause of the Bill, which vests the succession to the office of Governor General in case of vacancy in the first *ordinary* Member, who by the same clause cannot be the Commander-in-chief.

It appears to be very desirable that the system should be uniform, and that the provision upon this point should be explicit, and free from doubt; and with this view we would suggest, that in the event of the Court's appointing the Commander-in-chief at the subordinate presidencies to a seat in Council, then he should be denominated an extraordinary Member thereof; and that in case of vacancy in the office of Governor, the Senior ordinary Member should succeed.

The 66th clause of the Bill provides that the Governor General in Council may appoint one of the ordinary Members of the Supreme Council to be Deputy-governor of Fort William, who is vested with all the powers of Governor of that presidency.

The 37th clause restricts the powers of *one* of the ordinary Members of the Supreme Council to legislative matters. The Court submit that the Governor General should be precluded from selecting such member to be Deputy-governor or Vice-president of the Supreme Council.

The Court would only further remark, that although the 37th clause contemplates the appointment of the Commander-in-chief to be an extraordinary Member of the Supreme Council, the 73d clause makes no provision for the salary of such extraordinary Member: a point which it is obviously desirable should not be left unsettled.

The importance of these suggestions will, we are persuaded, be a sufficient apology to you for the earnestness with which the Court press them upon your immediate attention. In the hope of being favoured with an early communication from you upon the subject,

We have the honour to be,

Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CLXII.

LETTER *from the Right Honourable* CHARLES GRANT *to*
C. MARJORIBANKS, Esq.

George Street, August 14, 1833, past 11, P. M.

MY DEAR SIR :

I have just received the enclosed from Mr. Courtenay, the Clerk of the House of Lords, and think it best to transmit it to you without delay.

I am, my dear Sir,

Your's very truly,

(Signed) CHARLES GRANT.

C. Marjoribanks, Esq.

&c. &c. &c.

No. CLXII.

Letter from
the Right Hon.
Charles Grant,
14 Aug. 1833.

No. CLXIII.

LETTER *from* W. COURTENAY, Esq. *to the Right Honourable*
CHARLES GRANT, *(referred to in the preceding.)*

House of Lords, August 14, 1833.

MY DEAR GRANT :

I am much vexed to find that owing to an error, either on my part or on the part of my clerk, an amendment has found its way into the last print of the East-India Bill, which was in fact negatived and not carried. I allude to that which relates to the qualification of Commissioners, and it is in the clause 52 of the last printed Bill. The words which are thus improperly introduced are scored under in the print which I now send; and in order to prevent the possibility of further mistake, I have spoken this evening to the Duke of Wellington who moved the Amendment, and I have his concurrence in saying that it was negatived. It has not been introduced into the Bill itself, or the Paper of Amendments, although it did get into print by a mistake, such as cannot always be avoided in the hurry and confusion of business.

I am,

Your's very truly,
(Signed) W. COURTENAY.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CLXIII.

Letter to
the Right Hon.
Charles Grant,
14 Aug. 1833.

No. CLXIV.

MEMORANDUM.

No. CLXIV.

Memorandum.

Under the explanation contained in Mr. Courtenay's letter, the Clause respecting the Law Commission should now be read as printed below, omitting the words run through in *Red Ink*.

Clause 411. of the
Charter Bill.

LII. And whereas it is expedient, that, subject to such special arrangements as local circumstances may require, a general system of Judicial Establishments and Police, to which all persons whatsoever, as well Europeans as Natives, may be subject, should be established in the said Territories at an early period : and that such laws as may be applicable in common to all classes of the Inhabitants of the said Territories, due regard being had to the rights, feelings, and peculiar usages of the people, should be enacted, and that all Laws and Customs having the force of law within the same Territories, should be ascertained and consolidated, and as occasion may require amended ; be it therefore Enacted, that the said Governor General of *India* in Council shall, as soon as conveniently may be after the passing of this Act, issue a Commission, and from time to time Commissions, to such persons, being covenanted servants of the ~~East India Company~~, as the said Court of Directors with the approbation of the said Board of Commissioners shall recommend for that purpose, and to such other persons, ~~being likewise covenanted servants of the Company or the Company's Advocate or any practising Barrister who shall have resided five years in Bengal~~, if necessary, as the said Governor General in Council shall think fit, all such persons not exceeding in the whole at any one time Five in number, and to be styled "The Indian Law Commissioners," with all such powers as shall be necessary for the purposes hereinafter mentioned ; and the said Commissioners shall fully enquire into the Jurisdiction, Powers, and Rules of the existing Courts of Justice and Police Establishments in the said Territories, and all existing forms of judicial procedure, and into the nature and operation of, all laws, whether civil or criminal, written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject ; and the said Commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries,

and

and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said Courts of Justice and Police Establishments, forms of Judicial Procedure and Laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said territories.

No. CLXIV.
Clause LII. of the
Charter Bill.

P A P E R S

RESPECTING

THE EAST-INDIA COMPANY'S CHARTER.

1833.

P A P E R S

RESPECTING

T H E N E G O T I A T I O N

WITH

His Majesty's Ministers

ON THE SUBJECT OF THE

EAST-INDIA COMPANY'S CHARTER

AND THE

GOVERNMENT OF HIS MAJESTY'S INDIAN TERRITORIES,

FOR A

FURTHER TERM AFTER THE 22^D APRIL 1834,

TOGETHER WITH A

C O P Y O F T H E B I L L

AS PASSED BY THE

HON THE HOUSE OF COMMONS AND THE RIGHT HON THE HOUSE OF LORDS

FOR

Effecting an Arrangement with the East-India Company, and for the better Government of His Majesty's Indian Territories till the 30th day of April 1854,

ALSO OF

T H E B I L L

For Regulating the Trade to China and India

L O N D O N

PRINTED BY ORDER OF THE COURT OF DIRECTORS FOR THE INFORMATION OF
THE PROPRIETORS,

By J. L. Cox and Son, Great Queen Street, Lincoln's-Inn Fields.

1833.

LIST OF PAPERS.

No.	Page
1. Minute of a Secret Court of Directors, the 30th March 1831	i
2. Do. Conference referred to in preceding Minute	<i>ib.</i>
3. Do. Secret Committee of Correspondence, the 20th October 1830	iv
4. Do. Secret Court of Directors, the 6th April 1831	vii
5. Do. ... do. ... the 20th July 1831	viii
6. Memoranda of a Conversation between the Right Honourable Charles Grant and the Chairman and Deputy-Chairman of the East-India Company at the India Board, the 7th July 1831	<i>ib.</i>
1. Minute of a Secret Committee of Correspondence, the 18th December 1832	1
2. Letter from the Right Honourable Charles Grant to the Chairman, dated December 17th 1832, noticed in the preceding Minute	2
3. Memorandum, or Paper of Hints	3
4. Minute of a Secret Committee of Correspondence, the 21st December 1832	5
5. Do. do. ... the 28th December 1832	<i>ib.</i>
6. Do. do. ... the 2d January 1833	<i>ib.</i>
7. Letter from the Chairman and Deputy-Chairman to Earl Grey, dated 3d January 1833	10
8. Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 3d January 1833	11
9. Minute of a Secret Court of Directors, the 13th February 1833	<i>ib.</i>
10. Do. ... do. ... the 15th February 1833	13
11. Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 12th February 1833	14

No.		Page
12.	Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 15th February 1833	54
13.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 19th February 1833	55
14.	Minute of a Secret Court of Directors, the 20th February 1833	57
15.	Do. ... do. ... the 22d February 1833	58
16.	Do. ... do. ... the 26th February 1833	<i>ib.</i>
17.	, , Do. ... do. do.	59
18.	Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 27th February 1833	<i>ib.</i>
19.	Minute of a Secret Court of Directors, the 15th March 1833	81
20.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 14th March 1833	82
21.	Minute of a Secret Court of Directors, the 16th March 1833	91
22.	Do. Secret Committee of the Whole Court, the 16th March 1833	<i>ib.</i>
23.	Do. do. ... the 18th March 1833	92
24.	Do. Secret Court of Directors, the 18th March 1833	93
25.	Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 18th March 1833	<i>ib.</i>
26.	Minute of a Secret Court of Directors, the 22d March 1833	100
27.	Letter from the Right Honourable Charles Grant to the Chairman, dated 16th March 1833	102
28.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 21st March 1833	104
29.	Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 22d March 1833	107
30.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 25th March 1833	109
31.	Minute of a Court of Directors, the 3d April 1833	113
32.	Dissent by Henry St. George Tucker, Esq., dated 3d March 1833	<i>ib.</i>
33.	Papers referred to in Mr. Tucker's Dissent, viz.	
	(A.) Statement of Indian Results combined with Home Charges from 1814-15 to 1830-31	133
	(B.) Explanatory Remarks in support of Propositions for laying the Basis of an Arrangement with His Majesty's Ministers	134
34.	Minute of a General Court, the 25th March 1833	153
35.	Do. ... do. the 15th April 1833	155

LIST OF PAPERS.

vii

No.		Page
36.	Minute of a General Court, the 16th April 1833	158
37.	Do. ... do. ... 18th April 1833	159
38.	Do. ... do. ... 19th April 1833	161
39.	Do. ... do. ... 22d April 1833	162
40.	Do. ... do. ... 23d April 1833	167
41.	Do. ... do. ... 25th April 1833	172
42.	Do. ... do. ... 3d May 1833	180
43.	Minute of a Court of Directors, the 3d May 1833	181
44.	Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 3d May 1833	182
45.	Minute of a General Court, the 3d May 1833	<i>ib.</i>
46.	Do. ... Secret Court of Directors, the 28th May 1833	184
47.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 27th May 1833	185
48.	Minute of a Secret Committee of the Whole Court, the 28th May 1833	189
49.	Do. do. ... the 29th May 1833	190
50.	Do. Secret Court of Directors, do.	191
51.	Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 29th May 1833	<i>ib.</i>
52.	Minute of a Secret Court of Directors, the 5th June 1833	194
53.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 4th June 1833	195
54.	Minute of a Secret Committee of the Whole Court, the 6th June 1833	199
55.	Do. do. ... the 7th June 1833	<i>ib.</i>
56.	Report by the Committee of the Whole Court, ... do.	202
57.	Minute of a Secret Court of Directors, do.	<i>ib.</i>
58.	Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 7th June 1833	204
59.	Minute of a Court of Directors, the 10th June 1833	207
60.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 8th June 1833	208
61.	Dissent by the Chairman and Deputy-Chairman, dated 10th June 1833	<i>ib.</i>
62.	Minute of a General Court, the 10th June 1833	212
63.	Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 10th June 1833	214
64.	Minute of a Court of Directors, the 12th June 1833	215

No.		Page
65.	Letter from George Smith, Esq., to the Court of Directors, dated 12th June 1833	216
66.	Paper signed by John Masterman, Esq., dated 12th June 1833	<i>ib.</i>
67.	Dissent by Henry St. George Tucker, Esq., dated 11th June 1833	217
68.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 11th June 1833	223
69.	Minute of a Secret Court of Directors, the 25th June 1833	<i>ib.</i>
70.	Correspondence relating to the Constitution of the Indian Governments :	
	1. Copy of a Letter from George Swinton, Esq., Chief Secretary to the Governor General in Council at Bengal, to Peter Auber, Esq., Secretary to the Secret Committee of the Court of Directors of the East-India Company, dated Fort St. George, 9th November 1830	225
	2. Copy of a Minute by Sir C. T. Metcalfe, dated 18th October 1830	<i>ib.</i>
	3. Copy of a Minute by Mr. Bayley, dated 9th November 1830	235
	4. Extract of a Letter from the Secretary to the Governor-General of India to Peter Auber, Esq., Secretary to the Secret Committee of the Court of Directors, dated Simlah, 14th September 1831	246
	5. Copy of a Minute by the Governor-General, dated Simlah, 14th September 1831	<i>ib.</i>
	6. Copy of a Letter from the Chief Secretary to the Governor-General in Council at Bengal, to Peter Auber, Esq., Secretary to the Secret Committee of the Court of Directors, dated Fort William, 28th October 1831	251
	7. Copy of a Letter from the Secretary to the Governor-General of India to George Swinton, Esq., Chief Secretary to Government, Fort William, dated Simlah, 10th October 1831	<i>ib.</i>
	8. Copy of a Letter from the Earl of Dalhousie, Commander-in-Chief in India, to Lord William Bentinck, dated Simlah, 27th September 1831	<i>ib.</i>
71.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 24th June 1833	259
72.	Summary enclosed with the Letter from the Right Honourable Charles Grant dated 24th June 1833	<i>ib.</i>
73.	Minute of a Secret Court of Directors, the 26th June 1833	262
74.	Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 26th June 1833	263
75.	Minute of a Secret Court of Directors, the 28th June 1833	264
76.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 27th June 1833	<i>ib.</i>
77.	Minute of a Secret Committee of the Whole Court, the 28th June 1833	267

LIST OF PAPERS.

ix

No.	Page
78. Minute of a Secret Court of Directors, the 1st July 1833	268
79. Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 29th June 1833	269
80. Bill for effecting an Arrangement with the India Company, and for the better Government of His Majesty's Indian Territories	270
81. Minute of a Secret Committee of the Whole Court, the 1st July 1833	305
82. Report from the Committee of the Whole Court, dated 1st July 1833	<i>ib.</i>
83. Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 2d July 1833	306
84. Minute of a Committee of the Whole Court, the 3d July 1833	315
85. Do. ... do. ... the 9th July 1833	<i>ib.</i>
86. Do. Court of Directors, ... do.	316
87. Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 10th July 1833	317
88. Paper of Observations and Suggestions on several Clauses of the East-India Bill	<i>ib.</i>
89. Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 10th July 1833	328
90. Letter from the Right Honourable Charles Grant, referred to in the Letter from the Chairman and Deputy-Chairman of the 10th July 1833	332
91. Memorandum which accompanied the Letter from the Right Honourable Charles Grant, dated the 10th July 1833	333
92. Letter from T. Hyde Villiers, Esq., referred to in the Letter from the Chairman and Deputy-Chairman of the 10th July 1833, dated 18th July 1832... ..	335
93. Minute of a Secret Court of Directors, the 5th June 1833	337
94. Do. ... Secret Committee of the Whole Court, the 5th June 1833	<i>ib.</i>
95. Do. ... do. ... the 12th June 1833	338
96. Do. ... Secret Court of Directors, ... do.	<i>ib.</i>
97. Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 12th June 1833	339
98. Minute of a Court of Directors, the 5th July 1833	340
99. Dissent by Henry St. George Tucker, Esq., dated 2d July 1833	<i>ib.</i>
100. Dissent by Richard Jenkins, Esq., dated 5th July 1833	353
101. Minute of a Court of Directors, the 9th July 1833	364
102. Letter from the Committee of Commanders and Officers in the Company's Maritime Service to the Honourable the Court of Directors of the East-India Company, dated 9th July 1833	<i>ib.</i>

No.		Page
103.	Minute of a Committee of the Whole Court, the 9th July 1833	365
104.	Do. do. ... the 10th July 1833	366
105.	Do. ... Court of Directors, ... do.	ib.
106.	Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 10th July 1833	367
107.	Minute of a Committee of Correspondence, the 10th July 1833	ib.
108.	Ditto ... Court of Directors, ... do.	368
109.	Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 11th July 1833	369
110.	Minute of a Court of Directors, the 17th July 1833	ib.
111.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 13th July 1833'	371
112.	Letter from the same to the same, dated 13th July 1833	372
113.	Letter from the same to the same, of the same date	373
114.	Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 17th July 1833	374
115.	Minute of a Committee of the Whole Court, the 19th July 1833	375
116.	Do. ... Court of Directors, the 19th July 1833	376
117.	Dissents by William Wigram, Esq. (Deputy-Chairman), and William Astell, Esq., dated 19th July 1833	377
118.	Paragraphs for China, dated 23d July 1833, referred to in No. 116	379
119.	Paragraphs for Bengal, dated 23d July 1833, referred to in No. 116	381
120.	Minute of a Court of Directors, the 23d July 1833	382
121.	Do. ... Committee of the Whole Court, the 23d July 1833... ..	ib.
122.	Do. ... Court of Directors, the 23d July 1833	383
123.	Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 23d July 1833	384
124.	Letter from the same to the same, dated 23d July 1833	385
125.	Dissent by Richard Jenkins, Esq., dated 23d July 1833	386
126.	Minute of a Committee of the Whole Court, the 24th July 1833... ..	393
127.	Do. ... Court of Directors, the 24th July 1833	ib.
128.	Do. ... do. ... the 26th July 1833	394
129.	Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 25th July 1833	395
130.	Letter from the same to the same, dated 25th July 1833	396
131.	Dissent by James Rivett Carnac, Esq., dated 26th July 1833	397

LIST OF PAPERS.

xi

No.	Page
132. Minute of a General Court, the 26th July 1833	402
133. Petition from the East-India Company to the Honourable House of Commons, noticed in the preceding Minute	403
134. Letter from Edward Lawford, Esq. (Company's Solicitor) to Peter Auber, Esq., dated 29th July 1833	406
135. A Bill (as passed by the Honourable the House of Commons) for effecting an Arrangement with the East-India Company, and for the better Government of His Majesty's Indian Territories; 27th July 1833	407
136. Minute of a Court of Directors, the 30th July 1833	445
137. Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 30th July 1833	446
138. Minute of a General Court, the 31st July 1833	447
139. Petition from the East-India Company to the Right Honourable House of Lords, noticed in the preceding Minute	448
140. Minute of a Court of Directors, the 31st July 1833	452
141. Dissent by William Stanley Clarke, Esq., dated 31st July 1833	<i>ib.</i>
142. Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 1st August 1833	453
143. Minute of a Court of Directors, the 7th August 1833	454
144. Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated the 6th August 1833	455
145. Letter from the same to the same, dated the 7th August 1833	456
146. Minute of a Court of Directors, the 8th August 1833	457
147. Do. ... do. ... the 12th August 1833	459
148. Dissent by the Chairman (Campbell Marjoribanks, Esq.), and the Deputy-Chairman (William Wigram, Esq.), dated 12th August 1833	462
149. Minute of a Court of Directors, the 13th August 1833	467
150. Letter from Henry St. George Tucker, Esq. to the Honourable Court of Directors, dated 12th August 1833	468
151. Paper by Henry St. George Tucker, Esq., referred to in the preceding Letter	469
152. Paper by John Thornhill, Esq.	478
153. Letter from William Astell, Esq., William Stanley Clarke, Esq., George Raikes, Esq., Henry Shank, Esq., Sir William Young, Bart., Russell Ellice, Esq., William Butterworth Bayley, Esq., Richard Jenkins, Esq., George Lyall, Esq., John Cotton, Esq., John Petty Muspratt, Esq., Henry Alexander, Esq., John Masterman, Esq., and James Law Lushington, Esq., to the Honourable Court of Directors, dated 13th August 1833	479

No.	Page
154. Minute of a General Court, the 13th August 1833...	483
155. Do. ... Court of Directors, the 13th August 1833 ...	487
156. Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 13th August 1833 ...	488
157. Minute of a Court of Directors, the 14th August 1833 ...	489
158. Letter from the Right Honourable Charles Grant to the Chairman and Deputy-Chairman, dated 12th August 1833 ...	490
159. Letter from the same to the same, dated 13th August 1833 ...	491
160. Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 14th August 1833 ...	<i>ib.</i>
161. Letter from the same to the same, of the same date ...	492
162. Letter from the Right Honourable Charles Grant to C. Marjoribanks, Esq., dated 14th August 1833 ...	495
163. Letter from W. Courtenay, Esq., to the Right Honourable Charles Grant, dated 14th August 1833 (referred to in the preceding) ...	<i>ib.</i>
164. Memorandum respecting Clause LII. as to the Law Commission ...	496
165. Minute of a General Court, the 16th August 1833 ...	499
166. Letter from the Chairman and Deputy-Chairman to the Right Honourable Charles Grant, dated 16th August 1833 ...	500
167. Minute of a General Court, the 16th August 1833 ...	501
168. Letter from Edward Lawford, Esq. (Company's Solicitor) to William Carter, Esq., dated 21st August 1833 ...	502
169. Letter from the same to the same, of the same date ...	<i>ib.</i>
170. Letter from the same to the same, dated 26th August 1833 ...	503
171. Letter from the same to the same, of the same date ...	504
172. Letter from the same to the same, dated 28th August 1833 ...	<i>ib.</i>
173. A Bill (as passed by the Honourable the House of Commons and the Right Honourable the House of Lords), intituled "An Act for effecting an Arrangement with the East-India Company, and for the better Government of His Majesty's Indian Territories, till the thirtieth day of April, One thousand eight hundred and fifty-four" ...	505
174. A Bill (as passed by the Honourable the House of Commons, and the Right Honourable the House of Lords), intituled "An Act to regulate the Trade to China and India" ...	543
GENERAL INDEX to the Papers ...	549
INDEX to the INDIA BILL ...	607
INDEX to the CHINA TRADE BILL ...	627

No. CLXV.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Friday, the 16th August 1833.

THE Court being met to receive the votes that may be brought in this day for the determination of the question agreed on the 13th Instant to be put this day by the Ballot,

No. CLXV.

General Court,
16 Aug. 1833.

The undermentioned Proprietors were appointed Scrutineers to examine the votes delivered in, and to report the determination of the said Question, *viz.*

John Shore, Esq.

Captain R. M. Grindlay,

William Burnie, Esq.

William Hammond, Esq.

At six o'clock the glasses being finally closed were delivered to the Scrutineers; and

At about half past six o'clock the same Evening,

William Butterworth Bayley, Esq. in the Chair,

The Report of the Scrutineers was delivered in and read, being as follows, *viz.*

“East-India House, the 16th August 1833.

“We, whose names are hereunto subscribed, being appointed by the
“General Court of the United Company of Merchants of England trading to
“the East-Indies to examine the votes delivered in this day, for the de-
“termination by Ballot of the following Question, *viz.* (See No. CLXVII.)

No. CLXV.

General Court,
16 Aug. 1833.

“ And being also appointed to report the number of votes for and against
“ the said Question, have accordingly examined the same, and find,

“ Votes for the Question 173

“ Votes against the Question 64

Majority for the Question..... 109

(Signed) “ J. SHORE,
“ WILLIAM HAMMOND, JUN.
“ WILLIAM BURNIE,
“ R. M. GRINDLAY.”

It was then declared from the Chair, that the Question this day put by the
Ballot had passed in the Affirmative.

The Court then, on the Question,

Adjourned.

No. CLXVI.

LETTER *from the CHAIRMAN and DEPUTY CHAIRMAN to the*
Right Honourable CHARLES GRANT.

SIR:

East-India House, 16th August 1833.

No. CLXVI.

Letter to
the Rt. Hon.
Charles Grant,
16 Aug. 1833.

In reference to our letter dated the 13th Instant, we have the honour to
forward the accompanying copy of a Resolution which has this day been
passed by the Ballot at a General Court of Proprietors of East-India Stock.
(See No. CLXVII.)

We have the honour to be,

Sir,

Your most obedient humble servants,

(Signed) C. MARJORIBANKS,
W. WIGRAM.

The Right Honourable Charles Grant,

&c. &c. &c.

No. CLXVII.

AT A

GENERAL COURT

OF THE UNITED COMPANY OF MERCHANTS OF ENGLAND TRADING
TO THE EAST-INDIES,

Held on Friday, the 16th August 1833.

Resolved by the Ballot, That this Court cannot contemplate without apprehension and alarm, the great and important change about to be introduced in the system which has been so long and so advantageously acted upon, as regards the administration of the Government of India through the instrumentality of the East-India Company, whilst exercising the joint functions of government and commerce, or view the provisions of the Bill now before Parliament, intituled "An Act for effecting an Arrangement with the East-India Company, and for the better Government of His Majesty's Indian Territories, "till the 30th day of April 1854," without fully participating in the sentiments and apprehensions expressed by the Court of Directors in their Resolution of the 12th instant, and throughout their correspondence with His Majesty's Ministers; but referring to the Resolution of the General Court of the 3d May, and to that of the 10th June last, and to the various modifications which have been consented to on the part of Government, and since introduced into the Bill in the course of its progress through both Houses of Parliament, and fully aware of the difficult circumstances in which the Company is placed, this Court thinks it expedient to defer to the determination of the Legislature, relying on its wisdom and justice, in the event of the expectations held out in the correspondence alluded to being disappointed, for such further legislative measures as the interests of India and those of the East-India Company may require. Having thus recorded their sentiments with regard to the Bill before the Court, and confirmed the compromise contained therein, this Court desires solemnly to assure His Majesty's Government and the Country, that they will, to the utmost extent of the functions with which they are about to be invested, contribute to give effect to the Bill when it shall become law, and promote to the best of their ability the happiness of India, and the honour and prosperity of the East-India Company.

No. CLXVII

General Court.
16 Aug. 1833.

No. CLXVIII.

LETTER from EDWARD LAW FORD, *Esq. (Company's Solicitor) to WIL-*
 LIAM CARTER, *Esq., Assistant Secretary to the East-India Company.*

No. CLXVIII.

Drapers' Hall, 21st August 1833.

Letter from
 Mr. Lawford,
 21 Aug. 1833.

SIR :

I have the honour to acquaint you, that the East-India Bill was read a third time in the House of Lords on Friday last, when the further amendments which appear in the accompanying copy of the Bill were made. The motion, "That the Bill do pass," was postponed till Monday evening; when, upon the motion of the Marquis of Lansdowne, it passed without debate or observation. The Bill so amended was sent down last night to the House of Commons, where it still is, the amendments made by the Lords not having yet been considered.

I am, Sir,

Your most obedient servant,

(Signed) EDWARD LAW FORD.

William Carter, Esq.
 &c. &c. &c.

No. CLXIX.

LETTER from EDWARD LAW FORD, *Esq. (Company's Solicitor) to WIL-*
 LIAM CARTER, *Esq., Assistant Secretary to the East-India Company.*

No. CLXIX.

Drapers' Hall, 21st August 1833.

Letter from
 Mr. Lawford,
 21 Aug. 1833.

SIR :

I beg to acquaint you, that on Friday last the House of Lords discharged the order for the second reading of the China Trade Bill, which stood for that evening, and referred the Bill to a Select Committee, under the Standing Order No. 198, relative to Bills for regulating Trade. The Select Committee met

on the following morning, and reported to the House, on the same day, that it was expedient to proceed with the Bill. No. CLXIX.

The Bill was accordingly read a second time on Monday, and passed last night through the Committee, who made several amendments. Their report will be brought up this day.

I have the honour to send you herewith a copy of the Bill as amended by the Committee.

I am, Sir,

Your most obedient servant,

(Signed) EDWARD LAWFORD.

William Carter, Esq.
&c. &c. &c.

Letter from
Mr. Lawford.
21 Aug. 1833.

No. CLXX.

LETTER from EDWARD LAWFORD, Esq. (*Company's Solicitor*) to WILLIAM CARTER Esq., *Assistant Secretary to the East-India Company.*

Drapers' Hall, 26th August 1833.

SIR:

With reference to my letter of the 21st Instant, transmitting to you a Copy of the East-India Bill as finally amended in the House of Lords, I have the honour to acquaint you, that on Saturday last, the 24th Instant, the House of Commons agreed to the Lords' amendments without alteration, and the Bill now awaits only the Royal Assent.

I am, Sir,

Your most obedient servant,

(Signed) EDWARD LAWFORD.

No. CLXX.

Letter from
Mr. Lawford.
26 Aug. 1833.

William Carter, Esq.
&c. &c. &c.

No. CLXXI.

LETTER from EDWARD LAWFORD, *Esq. (Company's Solicitor)* to WILLIAM CARTER, *Esq., Assistant Secretary to the East-India Company.*

Drapers' Hall, 26th August 1833.

SIR:

No. CLXXI.

Letter from
Mr. Lawford,
27 Aug. 1833

With reference to my letter of Wednesday last the 21st instant, forwarding a copy of the China Trade Bill as amended on the preceding evening by the Committee of the House of Lords, I have the honour to acquaint you, that the House having agreed to the amendments of the Committee, the Bill was read a third time on Thursday and passed; and the House of Commons having on Saturday last agreed to the Lords' amendments without alteration, that Bill now only awaits the Royal Assent.

I am, Sir,

Your most obedient servant,

(Signed) EDWARD LAWFORD.

William Carter, Esq.

&c. &c. &c.

No. CLXXII.

LETTER from EDWARD LAWFORD, *Esq. (Company's Solicitor)* to WILLIAM CARTER, *Esq., Assistant Secretary to the East-India Company.*

Drapers' Hall, Wednesday, 28th August 1833.

SIR:

No. CLXXII.

Letter from
Mr. Lawford,
28 Aug. 1833.

I have the honour to inform you, that the Royal Assent has been given this day, by Commission, to the East-India Bill, and also to the China Trade Bill.

I am, Sir,

Your most obedient servant,

(Signed) EDWARD LAWFORD.

William Carter, Esq.

&c. &c. &c.

No. CLXXIII.

A BILL

(As passed by the Honourable the House of Commons and the Right Honourable the House of Lords), intituled “An Act for effecting
 “an Arrangement with the *East-India* Company, and for the better
 “Government of His Majesty’s *Indian* Territories, till the Thirtieth
 “Day of *April* One thousand eight hundred and fifty-four.”

WHEREAS by an Act passed in the fifty-third year of the reign of His Majesty King *George* the Third, intituled *An Act for continuing in the East-India Company for a further term the possession of the British Territories in India, together with certain exclusive privileges; for establishing further Regulations for the Government of the said Territories, and the better administration of Justice within the same, and for regulating the Trade to and from the Places within the limits of the said Company’s Charter*, the Possession and Government of the *British* Territories in *India* were continued in the United Company of Merchants of *England* trading to the *East-Indies* for a term therein mentioned: And whereas the said Company are entitled to or claim the Lordships and Islands of *Saint Helena* and *Bombay*, under Grants from the Crown, and other Property to a large amount in value; and also certain Rights and Privileges, not affected by the determination of the term granted by the said recited Act: And whereas the said Company have consented that all their rights and interests to or in the said territories, and all their territorial and commercial, real and personal Assets and Property, whatsoever, shall, subject to the debts and liabilities now affecting the same, be placed at the disposal of Parliament, in consideration of certain provisions hereinafter mentioned, and have also consented that their right to trade for their own profit in common with other His Majesty’s subjects be suspended during such time as the Government of the said territories shall be confided to them: And whereas it is expedient, that the said territories, now under the government of the said Company, be continued under such government, but in trust for the Crown of the United Kingdom of *Great Britain* and *Ireland*, and discharged of all claims of the said Company to any profit therefrom to their own use, except the dividend hereinafter secured to them, and that the property of the said Company be continued in their possession and

The British Territories in India to remain under the government of the Company till 30th April 1854.

Real and personal property of the Company held in trust for the

and

All privileges, powers, &c. granted by 53 Geo III, c. 155, for the term thereby limited,

and, all enactments not repugnant to this

and at their disposal, in trust for the Crown, for the service of the said Government, and other purposes in this Act mentioned: Be it therefore Enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the Twenty-second day of *April* One thousand eight hundred and thirty-four, the Territorial Acquisitions and Revenues mentioned or referred to in the said Act of the fifty-third year of His late Majesty King *George* the Third, together with the Port and Island of *Bombay*, and all other Territories now in the Possession and under the Government of the said Company, except the Island of *Saint Helena*, shall remain and continue under such Government until the Thirtieth day of *April* One thousand eight hundred and fifty-four; and that all the lands and hereditaments, revenues, rents, and profits of the said Company, and all the stores, merchandize, chattels, monies, debts, and real and personal estate whatsoever, except the said Island of *St. Helena*, and the stores and property thereon hereinafter mentioned, subject to the debts and liabilities now affecting the same, respectively, and the benefit of all contracts, covenants, and engagements, and all rights to fines, penalties, and forfeitures, and other emoluments whatsoever, which the said Company shall be seised or possessed of, or entitled unto, on the said Twenty-second day of *April* One thousand eight hundred and thirty-four, shall remain and be vested in, and be held, received, and exercised, respectively, according to the nature and quality, estate and interest of and in the same respectively, by the said Company, in trust for His Majesty, his Heirs and Successors, for the service of the Government of *India*, discharged of all claims of the said Company to any profit or advantage therefrom to their own use, except the Dividend on their Capital Stock, secured to them as hereinafter is mentioned, subject to such powers and authorities for the superintendence, direction, and control over the acts, operations, and concerns of the said Company, as have been already made or provided by any Act or Acts of Parliament in that behalf, or are made or provided by this Act.

II. And be it Enacted, That all and singular the privileges, franchises, abilities, capacities, powers, authorities, whether military or civil, rights, remedies, methods of suit, penalties, forfeitures, disabilities, provisions, matters, and things whatsoever, granted to or continued in the said United Company by the said Act of the fifty-third year of King *George* the Third for and during the term limited by the said Act, and all other the enactments, provisions, matters, and things contained in the said Act, or in any other Act or Acts whatsoever,

whatsoever, which are limited, or may be construed to be limited to continue for and during the term granted to the said Company by the said Act of the fifty-third year of King *George* the Third, so far as the same, or any of them, are in force, and not repealed by or repugnant to the enactments hereinafter contained, and all powers of alienation and disposition, rights, franchises, and immunities, which the said United Company now have, shall continue and be in force, and may be exercised and enjoyed as against all persons whomsoever, subject to the superintendence, direction, and control hereinbefore mentioned, until the Thirtieth day of *April* One thousand eight hundred and fifty-four.

Act, to be in force until April 1854;

as also all powers of alienation, rights, and immunities of the Company, subject to control.

III. Provided always and be it Enacted, That from and after the said Twenty-second day of *April* One thousand eight hundred and thirty-four, the exclusive right of trading with the Dominions of the Emperor of *China*, and of trading in Tea, continued to the said Company by the said Act of the fifty-third year of King *George* the Third, shall cease.

From 22d April 1834, China and Tea Trade of Company to cease.

IV. And be it Enacted, That the said Company shall, with all convenient speed after the said Twenty-second day of *April* One thousand eight hundred and thirty-four, close their Commercial Business, and make sale of all their merchandize, stores, and effects, at home and abroad, distinguished in their account books as Commercial Assets, and all their warehouses, lands, tenements, hereditaments, and property whatsoever, which may not be retained for the purposes of the Government of the said Territories, and get in all debts due to them on account of the Commercial Branch of their Affairs, and reduce their Commercial Establishments as the same shall become unnecessary, and discontinue and abstain from all Commercial Business which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property hereinbefore directed to be sold, or which shall not be carried on for the purposes of the said Government.

The Company to close their Commercial Business, and to sell their property not retained for Government.

V. Provided always and be it Enacted, That nothing herein contained shall prevent the said Company from selling at the Sales of their own Goods and Merchandize by this Act directed or authorized to be made, such Goods and Merchandize, the property of other Persons; as they may now lawfully sell at their Public Sales.

Company not prevented selling goods the property of other persons.

VI. And be it Enacted, That the Board of Commissioners for the Affairs of *India* shall have full Power to superintend, direct, and control the Sale of the said Merchandize, Stores, and Effects, and other Property hereinbefore directed to be sold, and to determine from time to time, until the said property shall be converted into money, what parts of the said Commercial Establishments

Board of Control to superintend the Sale of the property, the reduction of the Commercial Establishments, payment of Commercial Claims, &c.

Board to appoint Officers to attend them during the winding-up of the Commercial Business.

shall be continued and reduced, respectively, and to control the allowance and payment of all Claims upon the said Company connected with the Commercial Branch of their affairs, and generally to superintend and control all acts and operations whatsoever of the said Company, whereby the value of the property of the said Company may be affected; and the said Board shall and may appoint such Officers as shall be necessary to attend upon the said Board during the winding up of the Commercial Business of the said Company, and that the charge of such Salaries or Allowances as His Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct to be paid to such Officers, shall be defrayed by the said Company as hereinafter mentioned, in addition to the ordinary charges of the said Board.

The Company may consider claims of Commercial Officers reduced, and, under the control of the Board, grant compensations.

VII. And be it Enacted, That it shall be lawful for the said Company to take into consideration the claims of any persons now or heretofore employed by or under the said Company, or the widows and children of any such persons, whose interests may be affected by the discontinuance of the said Company's Trade, or who may from time to time be reduced, and, under the control of the said Board, to grant such Compensations, Superannuations, or Allowances (the charge thereof to be defrayed by the said Company as hereinafter mentioned) as shall appear reasonable. Provided always, That no such compensations, superannuations, or allowances shall be granted until the expiration of two calendar months after particulars of the compensation, superannuation, or allowance proposed to be so granted shall have been laid before both Houses of Parliament.

The particulars thereof to be laid before Parliament every year.

VIII. Provided always and be it Enacted, That within the first fourteen sitting days after the first meeting of Parliament in every year, there be laid before both Houses of Parliament the particulars of all Compensations, Superannuations, and Allowances so granted, and of the salaries and allowances directed to be paid to such officers as may be appointed by the said Board as aforesaid during the preceding year.

Company's Debts and Liabilities charged on India.

IX. And be it Enacted, That from and after the said Twenty-second day of April One thousand eight hundred and thirty-four, all the Bond Debt of the said Company in *Great Britain*, and all the Territorial Debt of the said Company in *India*, and all other Debts which shall on that day be owing by the said Company, and all sums of money, costs, charges, and expenses, which, after the said Twenty-second day of April One thousand eight hundred and thirty-four, may become payable by the said Company, in respect or by rea-

son of any covenants, contracts, or liabilities then existing, and all debts, expenses, and liabilities whatever, which after the same day shall be lawfully contracted and incurred on account of the Government of the said Territories, and all payments by this Act directed to be made, shall be charged and chargeable upon the Revenues of the said Territories; and that neither any Stock or Effects which the said Company may hereafter have to their own use, nor the Dividend by this Act secured to them, nor the Directors or Proprietors of the said Company, shall be liable to or chargeable with any of the said debts, payments, or liabilities.

X. Provided always and be it Enacted, That so long as the possession and Government of the said Territories shall be continued to the said Company, all persons and bodies politic shall and may have and take the same suits, remedies, and proceedings, legal and equitable, against the said Company, in respect of such debts and liabilities as aforesaid, and the property vested in the said Company in Trust, as aforesaid, shall be subject and liable to the same judgments and executions, in the same manner and form, respectively, as if the said property were hereby continued to the said Company to their own use.

XI. And be it Enacted, That out of the Revenues of the said Territories, there shall be paid to or retained by the said Company to their own use, a yearly Dividend after the rate of Ten Pounds Ten Shillings *per centum per annum* on the present amount of their Capital Stock: the said Dividend to be payable in *Great Britain* by equal half-yearly payments, on the Sixth day of *January* and the Sixth day of *July* in every year: the first half-yearly payment to be made on the Sixth day of *July* One thousand eight hundred and thirty-four.

XII. Provided always and be it Enacted, That the said Dividend shall be subject to Redemption by Parliament upon and at any time after the Thirtieth day of *April* One thousand eight hundred and seventy-four, on payment to the Company of Two hundred pounds sterling for every One hundred pounds of the said Capital Stock, together with a proportionate part of the same Dividend if the Redemption shall take place on any other day than one of the said half-yearly days of payment: Provided also, That Twelve months' notice in writing, signified by the Speaker of the House of Commons, by the order of the House, shall be given to the said Company of the intention of Parliament to redeem the said Dividend.

XIII. Provided always and be it Enacted, That if on or at any time after the said Thirtieth day of *April* One thousand eight hundred and fifty² four,

While India is under Government of the Company, their property to continue subject to execution.

A Dividend of £10. 10s. per cent. per annum to be paid on Company's Stock by half-yearly payments in Great Britain.

The Dividend subject to redemption by Parliament after April 1874, on payment of £200 for £100 Stock.

Notice of redemption.

If Company deprived of the Government of India,

they may demand redemption of the Dividend.

four, the said Company shall, by the expiration of the term hereby granted, cease to retain, or shall by the authority of Parliament be deprived of the Possession and Government of the said Territories, it shall be lawful for the said Company, within one year thereafter, to demand the Redemption of the said Dividend, and provision shall be made for redeeming the said Dividend, after the rate aforesaid, within Three years after such demand.

Company to pay to Commissioners for Reduction of National Debt £2,000,000;

XIV. And be it Enacted, That there shall be paid by the said Company into the Bank of *England*, to the account of the Commissioners for the Reduction of the National Debt, such sums of money as shall in the whole amount to the sum of Two millions sterling, with compound interest after the rate of Three pounds Ten shillings *per Centum per Annum*, computed half-yearly from the said Twenty-second day of *April* One thousand eight hundred and thirty-four, on so much of the said sums as shall from time to time remain unpaid: And the Cashiers of the said Bank shall receive all such sums of Money, and place the same to a separate account with the said Commissioners, to be intituled "The Account of the Security Fund of the *India* Company:" And that as well the Monies so paid into the said Bank, as the Dividends or Interest which shall arise therefrom, shall from time to time be laid out, under the direction of the said Commissioners, in the purchase of Capital Stock in any of the redeemable public Annuities transferable at the Bank of *England*; which Capital Stock so purchased shall be invested in the names of the said Commissioners, on account of the said Security Fund, and the Dividends payable thereon shall be received by the said Cashiers and placed to the said account, until the whole of the sums so received on such account shall have amounted to the sum of Twelve millions sterling: And the said Monies, Stock, and Dividends or Interest, shall be a Security Fund, for better securing to the said Company the redemption of their said Dividend, after the rate hereinbefore appointed for such redemption.

to be placed to account of Security Fund of the Company.

Monies and Dividends to be laid out in Securities, and Dividends placed to same account until the whole amounts to Twelve Millions.

Commissioners for reduction of National Debt, upon requisition of Court, may raise money for paying the Dividend in case of failure or delay of remittance of proper funds;

XV. Provided always and be it Enacted, That it shall be lawful for the said Commissioners for the Reduction of the National Debt from time to time, and they are hereby required, upon requisition made for that purpose by the Court of Directors of the said Company, to raise and pay to the said Company such sums of money as may be necessary for the payment of the said Company's Dividend, by reason of any failure or delay of the Remittances of the proper funds for such payment; such sums of money to be raised by sale or transfer or deposit by way of mortgage of a competent part of the said Security Fund, according to the said Directors, with the approbation of the said Board, shall direct;

direct; to be repaid into the Bank of *England*, to the account of the Security Fund, with interest, after such rate as the Court of Directors, with the approbation of the said Court, shall fix, out of the Remittances which shall be made for answering such Dividend, as and when such Remittances shall be received in *England*.

XVI. Provided always and be it Enacted, That all Dividends on the Capital Stock forming the said Security Fund accruing after the monies received by the said Bank to the account of such Fund shall have amounted to the sum of Twelve millions sterling, until the said Fund shall be applied to the Redemption of the said Company's Dividend, and also all the said Security Fund, or so much thereof as shall remain after the said Dividend shall be wholly redeemed after the rate aforesaid, shall be applied in aid of the Revenues of the said Territories.

Application of Dividends of Security Fund, and the Fund itself, in aid of Revenues.

XVII. And be it Enacted, That the said Dividend on the Company's Capital Stock shall be paid or retained, as aforesaid, out of such part of the Revenues of the said Territories as shall be remitted to *Great Britain*, in preference to all other charges payable thereout in *Great Britain*; and that the said sum of Two millions sterling shall be paid, in manner aforesaid, out of any sums which shall on the said Twenty-second day of *April* One thousand eight hundred and thirty-four be due to the said Company from the Public, as and when the same shall be received, and out of any monies which shall arise from the sale of any Government Stock on that day belonging to the said Company, in preference to all other payments thereout; and that, subject to such provisions for priority of charge, the revenues of the said Territories, and all monies which shall belong to the said Company on the said Twenty-second day of *April* One thousand eight hundred and thirty-four, and all monies which shall be thereafter received by the said Company from and in respect of the property and rights vested in them in trust as aforesaid, shall be applied to the service of the Government of the said Territories, and in defraying all charges and payments by this Act created or confirmed and directed to be made, respectively, in such order as the said Court of Directors, under the control of the said Board, shall from time to time direct; anything in any other Act or Acts contained to the contrary notwithstanding.

Company's Dividends to be paid out of Revenues in preference to other charges; and £2,000,000 to be paid out of debt due from the Public and by sale of Stock;

Subject to such Priorities, Revenues and Monies to be applied to service of India and purposes of this Act, under control.

XVIII. Provided also and be it Enacted, That nothing herein contained shall be construed or operate to the prejudice of any persons claiming or to claim under a Deed of Covenants dated the Tenth day of *July* One thousand eight hundred and five, and made between the said Company of the one part, and the

Not to prejudice Persons claiming under a Covenant between the Company and the Creditors of the Nabobs of Arcot, &c.

the several persons whose hands should be thereto set and affixed, and who respectively were or claimed to be Creditors of His Highness the Nabob Wallah Jah, formerly Nabob of Arcot and of the Carnatic in the *East-Indies*, and now deceased, and of His Highness the Nabob Omdut ul Omrah, late Nabob of Arcot and of the Carnatic, and now also deceased, and of His Highness the Ameer ul Omrah of the other part.

His Majesty may appoint Commissioners for the Affairs of India.

XIX. And be it Enacted, That it shall and may be lawful for His Majesty by any Letters-Patent, or by any Commission or Commissions to be issued under the Great Seal of *Great Britain*, from time to time, to nominate, constitute, and appoint, during pleasure, such persons as His Majesty shall think fit, to be, and who shall accordingly be and be styled, "Commissioners for the Affairs of *India*;" and every enactment, provision, matter, and thing relating to the Commissioners for the Affairs of *India*, in any other Act or Acts contained, so far as the same are in force and not repealed by or repugnant to this Act, shall be deemed and taken to be applicable to the Commissioners to be nominated as aforesaid.

Ex officio Commissioners.

XX. And be it Enacted, That the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the principal Secretaries of State, and the Chancellor of the Exchequer for the time being, shall, by virtue of their respective offices, be, and they are hereby declared to be Commissioners for the Affairs of *India*, in conjunction with the persons to be nominated in any such Commission as aforesaid, and they shall have the same powers respectively as if they had been expressly nominated in such Commission in the order in which they are herein mentioned next after the Commissioner first named therein.

Two Commissioners may form a Board.

First-named to be President: in his absence the next in order.

XXI. And be it Enacted, That any two or more of the said Commissioners shall and may form a Board for executing the several powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the Commissioners for the Affairs of *India*; and that the Commissioner first named in any such Letters Patent or Commission, for the time being, shall be the President of the said Board; and that when any Board shall be formed in the absence of the President, the Commissioner next in order of nomination in this Act, or in the said Commission, of those who shall be present, shall for that turn preside at the said Board.

President and occasional President to have the casting vote.

XXII. And be it Enacted, That if the Commissioners present at any Board shall be equally divided in opinion with respect to any matter by them discussed, then and on every such occasion, the President, or in his absence the Commissioner acting as such, shall have Two voices or the casting vote.

XXIII. And

XXIII. And be it Enacted, That the said Board shall and may nominate and appoint Two Secretaries, and such other Officers as shall be necessary to attend upon the said Board, who shall be subject to dismissal at the pleasure of the said Board; and each of the said Secretaries shall have the same powers, rights, and privileges, as by any Act or Acts now in force are vested in the Chief Secretary of the Commissioners for the Affairs of India; and that the President of the said Board, but no other Commissioner as such, and the said Secretaries and other Officers, shall be paid by the said Company such fixed salaries as His Majesty shall, by any warrant or warrants under his Sign Manual, countersigned by the Chancellor of the Exchequer for the time being, direct.

The Board to appoint two Secretaries and other Officers.

President, Secretaries, and Officers to be paid such Salaries as the Crown shall direct.

XXIV. And be it Enacted, That if at any time the said Board shall deem it expedient to require their Secretaries and other Officers of the said Board or any of them, to take an oath of secrecy, and for the execution of the duties of their respective stations, it shall be lawful for the said Board to administer such oath as they shall frame for the purpose.

Secretaries and Officers to take Oaths, if required by the Board.

XXV. And be it Enacted, That the said Board shall have and be invested with full power and authority to superintend, direct, and control all acts, operations, and concerns of the said Company, which in anywise relate to or concern the Government or Revenues of the said Territories, or the property hereby vested in the said Company, in trust as aforesaid, and all grants of salaries, gratuities, and allowances, and all other payments and charges whatever, out of or upon the said Revenues and Property respectively, except as hereinafter is mentioned.

The Board of Commissioners to control all acts concerning India, and the sale of property.

XXVI. And be it Enacted, That the several Persons who on the said Twenty-second day of April One thousand eight hundred and thirty-four shall be Commissioners for the Affairs of India, and Secretaries and Officers of such Board of Commissioners, shall continue and be Commissioners for the Affairs of India, and Secretaries and Officers of the said Board, respectively, with the same powers, and subject to the same restrictions as to salaries, as if they had been appointed by virtue of this Act, until by the issuing of new Patents, Commissions, or otherwise, their appointments shall be respectively revoked.

Commissioners, Secretaries, and Officers on 22d April 1834, to continue until their appointments are revoked.

XXVII. And be it Enacted, That if, upon the occasion of taking any ballot on the election of a Director or Directors of the said Company, any Proprietor, who shall be resident within the United Kingdom, shall, by reason of absence, illness, or otherwise, be desirous of voting by letter of Attorney, he shall be at liberty

Proprietors may vote by Attorney in election of Directors.

liberty so to do ; provided that such letter of Attorney shall, in every case, express the name or names of the Candidate or Candidates for whom such Proprietor shall be so desirous of voting, and shall be executed within Ten days next before such election ; And the Attorney constituted for such purpose shall, in every case, deliver the vote he is so directed to give openly to the person or persons who shall be authorized by the said Company to receive the same ; And every such vote shall be accompanied by an affidavit or affirmation to be made before a Justice of the Peace by the Proprietor directing the same so to be given, to the same or the like effect as the oath or affirmation now taken by Proprietors voting upon ballots at General Courts of the said Company, and in which such Proprietor shall also state the day of the execution of such letter of attorney ; And any person making a false oath or affirmation before a Justice of Peace for the purpose aforesaid, shall be held to have thereby committed wilful perjury ; and if any person do unlawfully or corruptly procure or suborn any other person to take the said oath or affirmation before a Justice of the Peace, as aforesaid, whereby he or she shall commit such wilful perjury, and shall thereof be convicted, he, she, or they, for every such offence, shall incur such pains and penalties as are provided by law against subornation of perjury.

Repeal of restriction in 13 Geo. 3, c 63, with respect to any person employed in the East-Indies being chosen Director.

XXVIII. And be it Enacted, That so much of the Act of the thirteenth year of the reign of King George the Third intituled *An Act for establishing certain Regulations for the better Management of the Affairs of the East-India Company as well in India as in Europe*, as enacts that no person employed in any Civil or Military Station in the *East-Indies*, or claiming or exercising any power, authority, or jurisdiction therein, shall be capable of being appointed or chosen into the office of Director, until such person shall have returned to, and been resident in *England* for the space of two years, shall be, and is hereby repealed : Provided that if the said Court of Directors, with the consent of the said Board, shall declare such person to be an accountant with the said Company, and that his accounts are unsettled, or that a charge against such person is under the consideration of the said Court, such person shall not be capable of being chosen into the office of Director for the term of two years after his return to *England*, unless such accounts shall be settled, or such charge be decided on, before the expiration of the said term.

If such person has unsettled accounts, he shall be ineligible for two years, unless they are sooner settled.

Court to deliver to Board copies of Minutes, &c. of Courts of Proprietors

XXIX. And be it further Enacted, That the said Court of Directors shall, from time to time, deliver to the said Board copies of, all Minutes, Orders, Resolutions, and proceedings of all Courts of Proprietors, general or special, and

of all Courts of Directors, within Eight days after the holding of such Courts respectively, and also copies of all Letters, Advices, and Dispatches whatever, which shall at any time or times be received by the said Court of Directors, or any Committee of Directors, and which shall be material to be communicated to the said Board, or which the said Board shall from time to time require.

and Directors, and of all material letters and dispatches.

XXX. And be it Enacted, That no orders, instructions, dispatches, official letters or communications whatever, relating to the said Territories or the Government thereof, or to the property or rights vested in the said Company, in trust as aforesaid, or to any public matters whatever, shall be at any time sent or given by the said Court of Directors, or any Committee of the said Directors, until the same shall have been submitted for the consideration of and approved by the said Board; and for that purpose, that copies of all such orders, instructions, dispatches, official letters or communications, which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent or given, shall be by them previously laid before the said Board, and that within the space of Two months after the receipt of such proposed orders, instructions, dispatches, official letters or communications, the said Board shall either return the same to the said Court of Directors or Committee of Directors, with their approbation thereof, signified under the hand of one of the Secretaries of the said Board by the order of the said Board; or if the said Board shall disapprove, alter, or vary in substance, any of such proposed orders, instructions, dispatches, official letters or communications, in every such case the said Board shall give to the said Directors, in writing, under the hand of one of the Secretaries of the said Board, by order of the said Board, their reason in respect thereof, together with their directions to the said Directors in relation thereto; and the said Directors shall, and they are hereby required forthwith to send the said orders, instructions, dispatches, official letters or communications, in the form approved by the said Board, to their proper destinations: Provided always, That it shall be lawful for the said Board, by Minutes from time to time to be made for that purpose and entered on the Records of the said Board, and to be communicated to the said Court, to allow such classes of orders, instructions, dispatches, official letters or communications as shall in such Minutes be described, to be sent or given by the said Court without having been previously laid before the said Board.

No official communications to be sent by the Court, until approved by the Board;

except such classes of Communications as the Board may allow.

XXXI. And be it Enacted, That whenever the said Court of Directors shall omit to prepare and submit for the consideration of the said Board any orders, instructions, dispatches, official letters, or communications, beyond the space

If the Court omit to frame official communications for consideration of Board, they may prepare them.

Court to send them.

of Fourteen days after requisition made to them by order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the said Directors any orders, instructions, dispatches, official letters or communications, together with their directions relating thereto; and the said Directors shall, and they are hereby required forthwith to transmit the same to their proper destinations.

Representations may be made by Court as to official communications; and Board to consider such representations and give final orders.

XXXII. Provided always and be it Enacted, That nothing herein contained shall extend, or be construed to extend, to restrict or prohibit the said Directors from expressing, within Fourteen Days, by representation in writing to the said Board, such remarks, observations, or explanations, as they shall think fit, touching or concerning any directions which they shall receive from the said Board; and that the said Board shall, and they are hereby required to take every such representation, and the several matters therein contained or alleged, into their consideration, and to give such further Directions thereupon as they shall think fit and expedient, which shall be final and conclusive upon the said Directors.

If Court think the orders of Board contrary to law, the Court of King's Bench may certify their opinion on any case which may be agreed upon; such opinion to be conclusive.

XXXIII. And be it Enacted, That if it shall appear to the said Court of Directors that any orders, instructions, dispatches, official letters, or communications, except such as shall pass through the Secret Committee, upon which directions may be so given by the said Board as aforesaid, are contrary to law, it shall be in the power of the said Board and the said Court of Directors to send a special case, to be agreed upon by and between them, and to be signed by the President of the said Board and the Chairman of the said Company, to three or more of the Judges of His Majesty's Court of King's Bench, for the opinion of the said Judges; and the said Judges are hereby required to certify their opinion upon any case so submitted to them, and to send a certificate thereof to the said President and Chairman, which opinion shall be final and conclusive.

Board not empowered to appoint officers of the Company, or to interfere with home officers.

XXXIV. Provided always, and be it Enacted and Declared, That the said Board shall not have the power of appointing any of the Servants of the said Company, or of directing or interfering with the Officers and Servants of the said Company employed in the Home Establishment; nor shall it be necessary for the said Court of Directors to submit for the consideration of the said Board their communications with the officers or servants employed in their said Home Establishment, or with the Legal Advisers of the said Company. *

Directors to appoint

XXXV. And be it Enacted, That the said Court of Directors shall from time

time to time appoint a Secret Committee, to consist of any number not exceeding Three of the said Directors, for the particular purposes in this Act specified; which said Directors so appointed shall, before they or any of them shall act in the execution of the powers and trusts hereby reposed in them, take an Oath of the tenour following (that is to say);—

Secret Committee
who shall take the
following

“ I, (A. B.) do swear, that I will, according to the best of my skill and judgment, faithfully execute the several trusts and powers reposed in me as a member of the Secret Committee appointed by the Court of Directors of the *India* Company; I will not disclose or make known any of the secret orders, instructions, dispatches, official letters, or communications, which shall be sent or given to me by the Commissioners for the Affairs of *India*, save only to the other members of the said Secret Committee, or to the person or persons who shall be duly nominated and employed in transcribing or preparing the same, respectively, unless I shall be authorized by the said Commissioners to disclose and make known the same.

“ So help me GOD.”

which said Oath shall and may be administered by the several and respective Members of the said Secret Committee to each other; and being so by them taken and subscribed, shall be recorded by the Secretary or Deputy Secretary of the said Court of Directors for the time being amongst the acts of the said Court.

XXXVI. Provided also and be it Enacted, That if the said Board shall be of opinion that the subject-matter of any of their deliberations, concerning the levying war or making peace, or treating or negotiating with any of the Native Princes or States in *India*, or with any other Princes or States, or touching the policy to be observed with respect to such Princes or States, intended to be communicated in orders, dispatches, official letters or communications to any of the Governments or Presidencies in *India*, or to any officers or servants of the said Company, shall be of a nature to require secrecy, it shall and may be lawful for the said Board to send their orders, dispatches, official letters or communications to the Secret Committee of the said Court of Directors, to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same according to the tenour thereof, or pursuant to the directions of the said Board, to the respective Governments and Presidencies, officers and servants; and that the said Governments and Presidencies, officers and servants, shall be bound to pay a faithful, obedience thereto, in like

If the Board are of opinion that any matters wherein Indian or other states are concerned require secrecy, the Board may send official communications through Secret Committee.

manner as if such orders, dispatches, official letters or communications had been sent to them by the said Court of Directors.

The Court to submit to the Board an estimate of Salaries of Directors and other Expenses of the India-House, which shall be subject to reduction.

XXXVII. And be it Enacted, That the said Court of Directors shall before the twenty-second day of *April* One thousand eight hundred and thirty-four, and afterwards from time to time so often as reductions of the establishment of the said Court or other circumstances may require frame and submit to the said Board an estimate of the gross sum which will be annually required, for the salaries of the Chairman, Deputy Chairman, and Members of the said Court, and the Officers and Secretaries thereof, and all other proper expenses fixed and contingent thereof, and of General Courts of Proprietors, and such estimate shall be subject to reduction by the said Board, so that the reasons for such reduction be given to the said Court of Directors; and any sum not exceeding the sum mentioned in such estimate, or (if the same shall be reduced) in such reduced estimate, shall be annually applicable, at the discretion of the Court of Directors, to the payment of the said salaries and expenses; and it shall not be lawful for the said Board to interfere with, or control the particular application thereof, or to direct what particular salaries or expenses shall from time to time be increased or reduced: Provided always, That such and the same accounts shall be kept and rendered of the sums to be applied in defraying the salaries and expenses aforesaid, as of the other branches of the expenditure of the said Company.

The sum allowed to be applicable to such purposes at the discretion of the Court of Directors.

Accounts of application to be rendered.

Presidency of Fort William, in Bengal, to be divided into two Presidencies; The Court to declare the limits, from time to time, of the several Presidencies.

XXXVIII. And be it Enacted, That the territories now subject to the Government of the Presidency of *Fort William* in *Bengal* shall be divided into two distinct Presidencies; one of such Presidencies, in which shall be included *Fort William* aforesaid, to be styled the Presidency of *Fort William*, in *Bengal*, and the other of such Presidencies to be styled the Presidency of *Agra*; and that it shall be lawful for the said Court of Directors, under the control by this Act provided, and they are hereby required to declare and appoint what part or parts of any of the territories, under the Government of the said Company, shall from time to time be subject to the Government of each of the several Presidencies now subsisting or to be established as aforesaid, and from time to time, as occasion may require, to revoke and alter, in the whole or in part, such appointment, and such new distribution of the same as shall be deemed expedient.

Government of India.

XXXIX. And be it Enacted, That the superintendence, direction, and control of the whole Civil and Military Government of all the said Territories and Revenues in India shall be, and is hereby vested in a Governor General

General and Counsellors, to be styled "The Governor General of India in Council."

XL. And be it Enacted, That there shall be Four ordinary Members of the said Council, Three of whom shall from time to time be appointed by the said Court of Directors from amongst such persons as shall be, or shall have been, Servants of the said Company; and each of the said Three ordinary Members of Council shall, at the time of his appointment, have been in the service of the said Company for at least Ten years; and if he shall be in the Military Service of the said Company, he shall not, during his continuance in office as a Member of Council, hold any Military Command, or be employed in actual Military Duties; and that the fourth ordinary Member of Council shall from time to time be appointed from amongst persons who shall not be Servants of the said Company by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by his Royal Sign-Manual, countersigned by the President of the said Board: Provided that such last-mentioned Member of Council shall not be entitled to sit or vote in the said Council except at meetings thereof for making laws and regulations: And it shall be lawful for the said Court of Directors to appoint the Commander-in-Chief of the Company's Forces in *India*, and if there shall be no such Commander-in-Chief, or the offices of such Commander-in-Chief and of Governor-General of *India* shall be vested in the same person, then the Commander-in-Chief of the Forces on the *Bengal* establishment to be an extraordinary Member of the said Council, and such extraordinary Member of Council shall have rank and precedence at the Council Board next after the Governor General.

There shall be four ordinary Counsellors three of whom shall be servants of the Company.

No military Officer to hold any command whilst a Member.

The fourth Member not to be appointed from the Company's servants.

XLI. And be it Enacted, That the person who shall be Governor General of the Presidency of Fort William in *Bengal* on the twenty-second day of April One thousand eight hundred and thirty-four, shall be the first Governor General of *India* under this Act; and such persons as shall be Members of Council of the same Presidency on that day, shall be respectively Members of the Council constituted by this Act.

Governor General and the Members of Council on the 22d April 1834, to be under this Act.

XLII. And be it Enacted, That all vacancies happening in the office of Governor General of *India*, shall from time to time be filled up by the said Court of Directors, subject to the approbation of His Majesty, to be signified in writing by His Royal Sign-Manual, countersigned by the President of the said Board.

Filling up Vacancies in these offices.

XLIII. And be it Enacted, That the said Governor General in Council, shall have power to make Laws and Regulations, for repealing, amending, or altering

The Governor General in Council empowered to legis-

late for India, except as to matters herein mentioned.

altering any Laws or Regulations whatever now in force or hereafter to be in force, in the said Territories or any part thereof, and to make Laws and Regulations for all persons, whether *British* or Native, Foreigners or others, and for all Courts of Justice, whether established by His Majesty's Charters or otherwise, and the jurisdictions thereof, and for all places and things whatsoever, within and throughout the whole and every part of the said Territories, and for all servants of the said Company within the dominions of Princes and States in alliance with the said Company; save and except that the said Governor General in Council shall not have the power of making any Laws or Regulations which shall in any way repeal, vary, suspend, or affect any of the provisions of this Act, or any of the provisions of the Acts for punishing Mutiny and Desertion of Officers and Soldiers, whether in the service of His Majesty or the said Company, or any provisions of any Act hereafter to be passed, in any wise affecting the said Company or the said Territories or the Inhabitants thereof, or any Laws or Regulations which shall in any way affect any prerogative of the Crown or the authority of Parliament, or the Constitution or Rights of the said Company, or any part of the unwritten Laws or Constitution of the United Kingdom of *Great Britain* and *Ireland*, whereon may depend, in any degree, the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said Territories.

If the Court of Directors disallow the Laws, Governor in Council to repeal them.

XLIV. Provided always and be it Enacted, That in case the said Court of Directors, under such control as by this Act is provided, shall signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor General in Council made, then and in every such case, upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council shall forthwith repeal all Laws and Regulations so disallowed.

All such Laws and Regulations to be of the same force as any Act of Parliament.

XLV. Provided also and be it Enacted, That all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect, within and throughout the said Territories, as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories, in the same manner as any public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

Registration unnecessary.

Restricting the

XLVI. Provided also and be it Enacted, That it shall not be lawful for the said

said Governor General in Council, without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power shall be given to any Courts of Justice, other than the Courts of Justice established by His Majesty's Charters, to sentence to the punishment of Death any of His Majesty's natural-born Subjects born in *Europe*, or the children of such Subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

power of punishing with death European subjects, &c.

XLVII. And be it Enacted, That the said Court of Directors shall forthwith submit, for the approbation of the said Board, such Rules as they shall deem expedient for the procedure of the Governor General in Council, in the discharge and exercise of all powers, functions, and duties imposed on or vested in him by virtue of this Act, or to be imposed or vested in him by any other Act or Acts; which Rules shall prescribe the modes of promulgation of any Laws or Regulations to be made by the said Governor General in Council, and of the authentication of all acts and proceedings whatsoever of the said Governor General in Council; and such Rules, when approved by the said Board of Commissioners, shall be of the same force as if they had been inserted in this Act: Provided always, That such Rules shall be laid before both Houses of Parliament in the Session next after the approval thereof.

The Court to submit to the Board rules for the procedure of the Governor General in Council.

Rules to be laid before Parliament.

XLVIII. Provided always and be it Enacted, That all Laws and Regulations shall be made at some meeting of the Council, at which the said Governor General and at least Three of the ordinary Members of Council shall be assembled; and that all other functions of the said Governor General in Council may be exercised by the said Governor General and one or more ordinary Member or Members of Council; and that in every case of difference of opinion at Meetings of the said Council, where there shall be an equality of voices, the said Governor General shall have Two Votes or the casting Vote.

Quorum of Governor General and Members in Council.

XLIX. Provided always and be it Enacted, That when and so often as any measure shall be proposed before the said Governor General in Council, whereby the safety, tranquillity, or interests of the *British* Possessions in *India*, or any part thereof, are or may be, in the judgment of the said Governor General, essentially affected, and the said Governor General shall be of opinion, either that the measure so proposed ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the majority in Council then present shall differ in and dissent from such opinion, the said Governor General and Members of Council are hereby directed forthwith mutually to exchange with and communicate to each other, in writing under their

Manner of proceeding when any measure is proposed, whereby the safety or peace of India may be essentially affected.

thier respective hands, to be recorded at large on their Secret Consultations, the grounds and reasons of their respective opinions; and if, after considering the same, the said Governor General and the majority in Council shall still differ in opinion, it shall be lawful for the said Governor General of his own authority and on his own responsibility to suspend or reject the measure so proposed, in part or in whole, or to adopt and carry the measure so proposed into execution, as the said Governor General shall think fit and expedient.

Council to assemble at any place in India.

L. And be it Enacted, That the said Council shall from time to time assemble, at such place or places as shall be appointed by the said Governor General in Council, within the said territories; And that as often as the said Council shall assemble within any of the Presidencies of *Fort Saint George*, *Bombay*, or *Agra*, the Governor of such Presidency shall act as an extraordinary Member of Council.

Nothing in this Act to affect the right of Parliament to legislate for India.

Express reservation.

LI. Provided always and be it Enacted, That nothing herein contained shall extend to affect in any way the right of Parliament to make Laws for the said Territories and for all the Inhabitants thereof: And it is expressly declared, That a full, complete, and constantly existing right and power is intended to be reserved to Parliament, to control, supersede, or prevent all proceedings and acts whatsoever of the said Governor General in Council, and to repeal and alter, at any time, any Law or Regulation whatsoever made by the said Governor General in Council, and in all respects to legislate for the said Territories and all the Inhabitants thereof, in as full and ample a manner as if this Act had not been passed: And the better to enable Parliament to exercise at all times such right and power, all Laws and Regulations made by the said Governor General in Council shall be transmitted to *England* and laid before both Houses of Parliament, in the same manner as is now by law provided, concerning the Rules and Regulations made by the several Governments in *India*.

Laws and Regulations to be laid before Parliament.

All enactments relating to Supreme Government shall apply to Governor General of India in Council and alone.

LII. And be it Enacted, That all enactments, provisions, matters, and things relating to the Governor General of *Fort William* in *Bengal*, in Council, and the Governor General of *Fort William* in *Bengal* alone respectively, in any other Act or Acts contained, so far as the same are now in force and not repealed by or repugnant to the provisions of this Act, shall continue and be in force, and be applicable to the Governor General of *India* in Council, and to the Governor General of *India* alone respectively.

A Law Commission to be appointed to inquire into the

LIII. And whereas it is expedient that, subject to such special arrangements as local circumstances may require, a general system of Judicial Establishment and

and Police, to which all persons whatsoever, as well Europeans as Natives, may be subject, should be established in the said Territories at an early period; and that such Laws as may be applicable in common to all classes of the Inhabitants of the said Territories, due regard being had to the rights, feelings, and peculiar usages of the People, should be enacted, and that all Laws and Customs having the force of law within the same Territories, should be ascertained and consolidated, and as occasion may require amended; be it therefore Enacted, that the said Governor General of India in Council shall, as soon as conveniently may be after the passing of this Act, issue a Commission, and from time to time Commissions, to such persons as the said Court of Directors with the approbation of the said Board of Commissioners shall recommend for that purpose, and to such other persons, if necessary, as the said Governor General in Council shall think fit, all such persons not exceeding in the whole at any one time Five in number, and to be styled "The Indian Law Commissioners," with all such powers as shall be necessary for the purposes hereinafter mentioned; and the said Commissioners shall fully enquire into the Jurisdiction, Powers, and Rules of the existing Courts of Justice and Police Establishments in the said Territories, and all existing forms of Judicial procedure, and into the nature and operation of all Laws, whether civil or criminal written or customary, prevailing and in force in any part of the said territories, and whereto any inhabitants of the said territories, whether Europeans or others, are now subject; And the said Commissioners shall from time to time make reports, in which they shall fully set forth the result of their said inquiries, and shall from time to time suggest such alterations as may in their opinion be beneficially made in the said Courts of Justice and Police Establishments, forms of Judicial procedure and Laws, due regard being had to the distinction of castes, difference of religion, and the manners and opinions prevailing among different races and in different parts of the said Territories.

jurisdiction &c. of existing Courts of Justice and Police establishments, and the operation of the Laws.

Commissioners from time to time to report the result of their inquiries.

LIV. And be it Enacted, That the said Commissioners shall follow such Instructions, with regard to the researches and inquiries to be made, and the places to be visited by them, and all their transactions with reference to the objects of their Commission, as they shall from time to time receive from the said Governor General of India in Council; and they are hereby required to make to the said Governor General in Council such special reports upon any matters as by such Instructions may from time to time be required; and the said Governor General in Council shall take into consideration the Reports

Commissioners to follow instructions of Governor General in Council, and to make special reports when required.

Governor General in Council to consider reports, and transmit

them with opinions thereon.

from time to time to be made by the said *Indian Law Commissioners*, and shall transmit the same, together with the opinions or resolutions of the said Governor General in Council thereon, to the said Court of Directors; and which said Reports, together with the said Opinions or Resolutions, shall be laid before both Houses of Parliament, in the same manner as is now by Law provided concerning the Rules and Regulations made by the several Governments in *India*.

Salaries to be granted to Law Commissioners.

LV. And be it Enacted, That it shall and may be lawful for the Governor General of India in Council to grant salaries to the said Indian Law Commissioners and their necessary officers and attendants, and to defray such other expences as may be incident to the said Commission, and that the salaries of the said Commissioners shall be according to the highest scale of remuneration given to any of the officers or servants of the *India Company* below the rank of Members of Council.

The Executive Government of the Presidencies to be administered by a Governor and three Councillors.

LVI. And be it Enacted, That the Executive Government of each of the several Presidencies of *Fort William* in Bengal, *Fort St. George*, *Bombay*, and *Agra* shall be administered by a Governor and Three Councillors, to be styled the Governor in Council of the said Presidencies of *Fort William* in Bengal, *Fort St. George*, *Bombay*, and *Agra* respectively, and the said Governor and Councillors respectively of each such Presidency shall have the same rights and voices in their Assemblies, and shall observe the same order and course in their Proceedings, as the Governors in Council of the Presidencies of *Fort St. George* and *Bombay* now have and observe, and that the Governor General of *India* for the time being shall be Governor of the Presidency of *Fort William* in Bengal.

Directors empowered to revoke the appointment of Councils, or to reduce the number of Councillors.

LVII. Provided always, and be it Enacted, That it shall and may be lawful for the said Court of Directors, under such control as is by this Act provided, to revoke and suspend, so often and for such periods as the said Court shall in that behalf direct, the appointment of Councils in all or any of the said Presidencies, or to reduce the number of Councillors in all or any of the said Councils, and during such time as a Council shall not be appointed in any such Presidency, the Executive Government thereof shall be administered by a Governor alone.

Governors of Fort St. George and Bombay;

LVIII. And be it Enacted, That the several persons who, on the said Twenty-second day of *April* One thousand eight hundred and thirty-four, shall be Governors of the respective Presidencies of *Fort Saint George* and *Bombay*, shall be the first Governors of the said Presidencies, respectively, under this Act; and

and that the office of Governor of the said Presidency of *Agra*, and all vacancies happening in the offices of the Governors of the said Presidencies, respectively, shall be filled up by the said Court of Directors, subject to the approbation of His Majesty, to be signified under his Royal Sign-Manual, countersigned by the said President of the said Board of Commissioners.

Governor of *Agra*, and vacancies in Presidencies to be filled up by the Court.

LIX. And be it Enacted, That in the Presidencies in which the appointment of a Council shall be suspended under the provision herein-before contained, and during such time as Councils shall not be appointed therein respectively, the Governors appointed under this Act, and in the Presidencies in which Councils shall from time to time be appointed, the said Governors in their respective Councils shall have all the Rights, Powers, Duties, Functions, and Immunities whatsoever, not in anywise repugnant to this Act, which the Governors of *Fort Saint George* and *Bombay*, in their respective Councils, now have within their respective Presidencies; and that the Governors and Members of Council of Presidencies appointed by or under this Act shall severally have all the Rights, Powers, and Immunities respectively, not in anywise repugnant to this Act, which the Governors and Members of Council of the Presidencies of *Fort Saint George* and *Bombay* respectively now have in their respective Presidencies: Provided, That no Governor or Governor in Council shall have the power of making or suspending any Regulations or Laws in any case whatever, unless in cases of urgent necessity (the burthen of the proof whereof shall be on such Governor or Governor in Council), and then only until the decision of the Governor General of *India* in Council shall be signified thereon; and provided also, that no Governor or Governor in Council shall have the power of creating any new Office, or granting any Salary, Gratuity, or Allowance without the previous sanction of the Governor General of *India* in Council.

The Governors of the Presidencies to have the powers and immunities of the present Governors of *Madras* and *Bombay*; but not to make Laws or grant Money.

LX. Provided always, and be it Enacted, That when and so often as the said Court of Directors shall neglect, for the space of Two calendar months, to be computed from the day whereon the notification of the vacancy of any office or employment in *India* in the appointment of the said Court shall have been received by the said Court, to supply such Vacancy, then and in every such case it shall be lawful for His Majesty to appoint, by writing under his Sign-Manual, such person as His Majesty shall think proper to supply such Vacancy; and that every person so appointed shall have the same powers privileges, and authorities, as if he or they had been appointed by the said Court, and shall not be subject to removal or dismissal without the approbation and consent of His Majesty.

If Court of Directors neglect for two months to supply vacancy in any office, the King to appoint.

Power for the Court to make provisional appointments to any offices.

LXI. And be it Enacted, That it shall be lawful for the said Court of Directors to appoint any person or persons provisionally to succeed to any of the offices aforesaid, for supplying any Vacancy or Vacancies therein, when the same shall happen by the Death or Resignation of the person or persons holding the same office or offices respectively, or on his or their departure from *India*, with intent to return to *Europe*, or on any event or contingency expressed in any such provisional Appointment or Appointments to the same respectively, and such Appointments again to revoke: Provided that every provisional appointment to the several offices of Governor General of *India*, Governor of a Presidency, and the Member of Council of *India* by this Act directed to be appointed from amongst persons who shall not be servants of the said Company, shall be subject to the approbation of His Majesty, to be signified as aforesaid; but that no person so appointed to succeed provisionally to any of the said offices, shall be entitled to any authority, salary, or emolument appertaining thereto, until he shall be in the actual possession of such office.

Provisional appointments of certain Officers to be approved by His Majesty.

In case of vacancy in the office of Governor General, and no successor upon the spot, the ordinary Member of Council next in rank to act as Governor General.

LXII. And be it Enacted, That if any Vacancy shall happen in the office of Governor General of *India*, when no provisional or other Successor shall be upon the spot to supply such Vacancy, then and in every such case the ordinary Member of Council next in rank to the said Governor General shall hold and execute the said office of Governor-General of *India* and Governor of the Presidency of *Fort William* in *Bengal*, until a Successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such acting Governor General shall, during the time of his continuing to act as such, have and exercise all the rights and powers of Governor General of *India*, and shall be entitled to receive the emoluments and advantages appertaining to the office by him supplied, such acting Governor General foregoing his salary and allowance of a Member of Council for the same period.

In case of a vacancy in the office of Governor of any of the subordinate Presidencies, and no provisional or other successor on the spot.

LXIII. And be it Enacted, That if any Vacancy shall happen in the office of Governor of *Fort Saint George*, *Bombay*, or *Agra*, when no provisional or other Successor shall be upon the spot to supply such Vacancy, then and in every such case, if there shall be a Council in the Presidency in which such Vacancy shall happen, the Member of such Council who shall be next in rank to the Governor, other than the Commander in Chief, or Officer commanding the Forces of such Presidency; and if there shall be no Council, then the Secretary of Government of the said Presidency who shall be senior in the said Office of Secretary, shall hold and execute the said office of Governor until

a successor

a successor shall arrive, or until some other person on the spot shall be duly appointed thereto; and that every such Acting Governor shall, during the time of his continuing to act as such, receive and be entitled to the emoluments and advantages appertaining to the Office by him supplied, such Acting Governor foregoing all Salaries and Allowances by him held and enjoyed at the time of his being called to supply such Office.

LXIV. And be it Enacted, That if any Vacancy shall happen in the office of an ordinary Member of Council of *India* when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion, such Vacancy shall be supplied by the appointment of the Governor General in Council; and if any Vacancy shall happen in the office of a Member of Council of any Presidency, when no person provisionally or otherwise appointed to succeed thereto shall be then present on the spot, then and on every such occasion such vacancy shall be supplied by the appointment of the Governor in Council of the Presidency in which such vacancy shall happen; and, until a successor shall arrive, the person so nominated shall execute the Office by him supplied, and shall have all the powers thereof, and shall have and be entitled to the salary and other emoluments and advantages appertaining to the said Office during his continuance therein, every such temporary Member of Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such Office: Provided always, That no person shall be appointed a temporary Member of Council who might not have been appointed by the said Court of Directors to fill the Vacancy supplied by such temporary appointment.

In case of a vacancy in the office of a Member of Council when no provisional or other successor on the spot.

LXV. And be it further Enacted, That the said Governor General in Council shall have and be invested, by virtue of this Act, with full power and authority to superintend and control the Governors and Governors in Council of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra*, in all points relating to the Civil or Military Administration of the said Presidencies respectively; and the said Governors and Governors in Council shall be bound to obey such orders and instructions of the said Governor General in Council in all cases whatsoever.

The Governor-General in Council to have the control over the Presidencies.

LXVI. And be it Enacted, That it shall and may be lawful for the Governors or Governors in Council of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra* respectively, to propose to the said Governor General in Council drafts or projects of any Laws or Regulations which the said Governors, or Governors in Council respectively, may think expedient, together with their

Drafts of Law proposed by Governors to be taken into consideration by Governor General in Council.

reasons for proposing the same; and the said Governor General in Council is hereby required to take the same and such reasons into consideration; and to communicate the resolutions of the said Governor General in Council thereon to the Governor or Governor in Council by whom the same shall have been proposed.

Powers of Governors of Presidencies not to be suspended.

LXVII. And be it Enacted, That when the said Governor General shall visit any of the Presidencies of *Fort Saint George, Bombay, or Agra*, the powers of the Governors of those Presidencies respectively shall not, by reason of such visit, be suspended.

Communications to be transmitted by Governors to Governor General in Council.

LXVIII. And be it Enacted, That the said Governors and Governors in Council of the said Presidencies of *Fort William in Bengal, Fort Saint George, Bombay, and Agra* respectively, shall, and they are hereby respectively required regularly to transmit to the said Governor General in Council true and exact copies of all such orders and acts of their respective Governments, and also advice and intelligence of all transactions and matters which shall have come to their knowledge, and which they shall deem material to be communicated to the said Governor General in Council as aforesaid, or as the said Governor General in Council shall from time to time require.

The Governor General in Council may appoint a Deputy Governor of Bengal as exigencies may require.

LXIX. And be it Enacted, That it shall be lawful for the said Governor General in Council, as often as the exigencies of the public service may appear to him to require, to appoint such one of the ordinary members of the said Council of *India* as he may think fit, to be Deputy Governor of the said Presidency of *Fort William in Bengal*; and such Deputy Governor shall be invested with all the powers and perform all the duties of the said Governor of the Presidency of *Fort William in Bengal*, but shall receive no additional salary by reason of such appointment.

Provision in the Governor General in Council declare it expedient for the Governor General to visit part of India without his Council.

LXX. And be it Enacted, That whenever the said Governor General in Council shall declare that it is expedient that the said Governor General should visit any part of *India*, unaccompanied by any Member or Members of the Council of *India*, it shall be lawful for the said Governor General in Council, previously to the departure of the said Governor General, to nominate some Member of the Council of *India* to be President of the said Council, in whom, during the absence of the said Governor General from the said Presidency of *Fort William in Bengal*, the powers of the said Governor General in assemblies of the said Council shall be reposed, and it shall be lawful in every such case for the said Governor General in Council, by a Law or Regulation for that purpose to be made, to authorize the Governor General alone to exercise all or any of the

the powers which might be exercised by the said Governor General in Council, except the power of making Laws or Regulations: Provided always, That during the absence of the Governor General, no Law or Regulation shall be made by the said President and Council without the assent in writing of the said Governor General.

LXXI. And be it Enacted, That there shall not, by reason of the division of the Territories now subject to the Government of the Presidency of *Fort William* in *Bengal* into two Presidencies as aforesaid, be any separation between the Establishments and Forces thereof respectively, or any alteration in the course and order of promotion and succession of the Company's servants in the same two Presidencies respectively: but that all the servants, civil and military, of the *Bengal* Establishments and Forces, shall and may succeed and be appointed to all commands and offices within either of the said Presidencies respectively, as if this Act had not been passed.

The new Presidency of *Agra* not to affect the succession to Commands and Offices in *Bengal* and *Agra*.

LXXII. And be it Enacted, That for the purposes of an Act passed in the Fourth year of the reign of his late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East-India Company, and to authorize Soldiers and Sailors in the East-Indies to send and receive Letters at a reduced Rate of Postage*, and of any articles of war made or to be made under the same, the Presidency of *Fort William* in *Bengal* shall be taken and deemed to comprise under and within it all the Territories which, by or in virtue of this Act, shall be divided between the Presidencies of *Fort William* in *Bengal* and *Agra* respectively; and shall, for all the purposes aforesaid, be taken to be the Presidency of *Fort William* in *Bengal* in the said Act intencioned.

Presidency of *Fort William* to be entire for the purposes of the Mutiny Act.

LXXIII. And be it Enacted, That it shall be lawful for the said Governor General in Council from time to time to make Articles of War for the government of the Native Officers and Soldiers in the military service of the Company, and for the administration of justice by courts-martial to be holden on such officers and soldiers, and such Articles of War from time to time to repeal or vary and amend; And such Articles of War shall be made and taken notice of in the same manner as all other the Laws and Regulations to be made by the said Governor General in Council under this Act; and shall prevail and be in force, and shall be of exclusive authority over all the Native Officers and Soldiers in the said Military Service, to whatever Presidency such Officers and Soldiers may belong, or wheresoever they may be serving; Provided nevertheless that until such Articles of War shall be made by the said Governor General

Articles of War to be made by Governor General in Council.

in Council, any Articles of War for or relating to the Government of the Company's Native Forces, which at the time of this Act coming into operation shall be in force and use in any part or parts of the said Territories, shall remain in force.

His Majesty may remove any officer of the Company in India.

LXXIV. And be it Enacted, That it shall be lawful for His Majesty, by any writing under his Sign-Manual, countersigned by the President of the said Board of Commissioners, to remove or dismiss any person holding any Office, Employment, or Commission, Civil or Military, under the said Company in *India*, and to vacate any Appointment or Commission of any person to any such Office or Employment: Provided, that a Copy of every such Writing, attested by the said President, shall, within Eight days after the same shall be signed by His Majesty, be transmitted or delivered to the Chairman or Deputy Chairman of the said Company.

The power of the Directors to remove their servants preserved.

LXXV. Provided always and be it Enacted, That nothing in this Act contained shall take away the power of the said Court of Directors to remove or dismiss any of the Officers or Servants of the said Company, but that the said Court shall and may at all times have full liberty to remove or dismiss any of such Officers or Servants at their will and pleasure: Provided that any Servant of the said Company appointed by His Majesty through the default of appointment by the said Court of Directors, shall not be dismissed or removed without His Majesty's approbation, as hereinbefore is mentioned.

Salaries of Governor General, &c. fixed, to be in lieu of all fees, &c.

LXXVI. And be it Enacted, That there shall be paid to the several Officers hereinafter named the several Salaries set against the names of such Officers, subject to such reduction of the said several Salaries respectively as the said Court of Directors, with the sanction of the said Board, may at any time think fit; (that is to say),

To the Governor General of *India*, Two hundred and forty thousand Sicca Rupees.

To each Ordinary Member of the Council of *India*, Ninety-six thousand Sicca Rupees.

To each Governor of the Presidencies of *Fort St. George*, *Bombay*, and *Agra*, One hundred and twenty thousand Sicca Rupees.

To each Member of any Council to be appointed in any Presidency, Sixty thousand Sicca Rupees.

And the Salaries of the said Officers respectively shall commence from their respectively taking upon them the execution of their respective offices; and the said Salaries shall be the whole profit or advantage which the said Officers shall

shall enjoy during their continuance in such offices respectively : And it shall be, and it is hereby declared to be a misdemeanor, for any such Officer to accept for his own use, in the discharge of his office, any Present, Gift, Donation, Gratuity, or Reward, pecuniary or otherwise, whatsoever, or to trade or traffic for his own benefit, or for the benefit of any other person or persons whatsoever : And the said Court of Directors are hereby required to pay to all and singular the Officers and persons hereinafter named, who shall be resident in the United Kingdom at the time of their respective Appointments, for the purpose of defraying the expenses of their Equipment and Voyage, such sums of money as are set against the names of such Officers and persons respectively ; (that is to say)

Acceptance of gratuities a misdemeanor.

Passage-money fixed.

To the Governor General, Five thousand pounds.

To each Member of the Council of *India*, One thousand two hundred pounds.

To each Governor of the Presidencies of *Fort St. George, Bombay, and Agra*, Two thousand five hundred pounds :

Provided also, That any Governor General, Governor, or Member of Council appointed by or by virtue of this Act, who shall, at the time of passing this Act, hold the office of Governor General, Governor, or Member of Council respectively, shall receive the same Salary and Allowances that he would have received if this Act had not been passed.

LXXVII. Provided always and be it Enacted, That if any Governor General, Governor, or ordinary Member of the Council of *India*, or any Member of the Council of any Presidency, shall hold or enjoy any Pension, Salary, or any Place, Office, or Employment of Profit under the Crown, or any Public Office, or the said Company, or any annuity payable out of the Civil or Military Fund of the said Company, the Salary of his office of Governor General of *India*, Governor, or Member of Council, shall be reduced by the amount of the Pension, Salary, Annuity, or Profits of Office, so respectively held or enjoyed by him.

Governor General and Governors to forego pensions and other salaries from the Crown or Company while they hold office.

LXXVIII. And be it Enacted, That the said Court of Directors, with the approbation of the said Board of Commissioners, shall and may from time to time make regulations for the division and distribution of the patronage and power of nomination of and to the Offices, Commands, and Employments in the said Territories, and in all or any of the Presidencies thereof, among the said Governor General in Council, Governor General, Governors in Council, Governors, Commander-in-chief, and other Commanding Officers respectively, appointed or to be appointed under this Act.

Directors to make regulations for the distribution of Patronage in India.

Departure of Governor General for Europe to be a resignation.

Resignation in India to be by deed.

Salary to cease on departure or resignation.

As to Representatives of Officers dying during absence.

Disobedience of orders, and breach of trust by officers or servants of the Company in India, misdeemeanors.

Authority for His Majesty's subjects

LXXIX. And be it Enacted, That the return to *Europe*, or the departure from *India* with intent to return to *Europe*, of any Governor General of *India*, Governor, Member of Council, or Commander-in-chief, shall be deemed in Law a Resignation and Avoidance of his Office or Employment, and that no act or declaration of any Governor General, or Governor, or Member of Council, other than as aforesaid, excepting a Declaration in writing under hand and seal, delivered to the Secretary for the Public Department of the Presidency wherein he shall be, in order to its being recorded, shall be deemed or held as a resignation or surrender of his said Office; and that the Salary and other Allowances of any such Governor General or other Officer, respectively, shall cease from the day of such his Departure, Resignation, or Surrender; and that if any such Governor General, or Member of Council of *India*, shall leave the said Territories, or if any Governor or other Officer whatever in the service of the said Company shall leave the Presidency to which he shall belong, other than in the known actual service of the said Company, the Salary and Allowances appertaining to his Office shall not be paid or payable during his absence to any Agent or other person for his use; and in the event of his not returning, or of his coming to *Europe*, his Salary and Allowances shall be deemed to have ceased on the day of his leaving the said Territories, or the Presidency to which he may have belonged: Provided that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the Representatives of their Officers or Servants, who, having left their stations intending to return thereto, shall die during their absence.

LXXX. And be it Enacted, That every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the orders or instructions of the said Court of Directors by any Governor General of *India*, Governor, Member of Council, or Commander-in-chief, or by any other of the Officers or Servants of the said Company, unless in cases of necessity, (the burthen of the proof of which necessity shall be on the person so disobeying, or omitting, forbearing, or neglecting to execute such orders or instructions as aforesaid,) and every wilful breach of the trust and duty of any Office or Employment by any such Governor General, Governor, Member of Council, or Commander-in-chief, or any of the Officers or Servants of the said Company, shall be deemed and taken to be a Misdemeanor at Law, and shall or may be proceeded against and punished as such, by virtue of this Act.

LXXXI. And be it Enacted, That it shall be lawful for any natural-born subjects

subjects of His Majesty to proceed by sea to any port or place having a custom-house establishment within the said Territories, and to reside thereat, or to proceed to and reside in, or pass through any part of such of the said Territories as were under the Government of the said Company on the First day of January One thousand eight hundred, and in any part of the Countries ceded by the Nabob of the *Carnatic*, of the Province of *Cuttack*, and of the Settlements of *Singapore* and *Malacca*, without any License whatever; Provided, That all subjects of His Majesty, not Natives of the said Territories, shall on their arrival in any part of the said Territories from any Port or Place not within the said Territories, make known in writing their names, places of destination, and objects of pursuit in *India*, to the Chief Officer of the Customs or other Officer authorized for that purpose at such Port or Place as aforesaid.

to reside in certain parts of India without License.

LXXXII. Provided always and be it Enacted, That it shall not be lawful for any Subject of His Majesty, except the servants of the said Company and others now lawfully authorized to reside in the said Territories, to enter the same by Land, or to proceed to or reside in any Place or Places in such Parts of the said Territories as are not hereinbefore in that behalf mentioned, without License from the said Board of Commissioners, or the said Court of Directors, or the said Governor General in Council, or a Governor or Governor in Council of any of the said Presidencies for that purpose first obtained: Provided always, that no License given to any natural-born subject of His Majesty to reside in parts of the Territories not open to all such subjects, shall be determined or revoked, unless in accordance with the terms of some express clause of revocation or determination in such License contained.

Subjects of His Majesty not to reside in certain parts of India without License

LXXXIII. Provided always and be it Enacted, That it shall be lawful for the said Governor General in Council, with the previous consent and approbation of the said Court of Directors for that purpose obtained, to declare any place or places whatever within the said Territories open to all His Majesty's natural-born Subjects, and it shall be thenceforth lawful for any of His Majesty's natural-born Subjects to proceed to, or reside in, or pass through any place or places declared open without any License whatever.

The Governor General in Council, with previous consent of Directors, may declare other places open.

LXXXIV. And be it Enacted, That the said Governor General in Council shall, and he is hereby required, as soon as conveniently may be, to make Laws or Regulations providing for the prevention or punishment of the illicit entrance into or residence in the said Territories of persons not authorized to enter or reside therein.

Laws against illicit residence to be made.

Laws and regulations
to be made for
protection of Na-
tives.

LXXXV. And whereas the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide against any mischiefs or dangers that may arise therefrom, be it therefore Enacted, That the said Governor General in Council shall, and he is hereby required, by Laws or Regulations, to provide with all convenient speed for the Protection of the Natives of the said Territories from insult and outrage in their persons, religions, or opinions.

Lands within the
Indian territories
may be purchased.

LXXXVI. And be it Enacted, That it shall be lawful for any natural-born subject of His Majesty authorized to reside in the said Territories, to acquire and hold lands, or any right, interest, or profit in or out of lands, for any term of years, in such part or parts of the said Territories as he shall be so authorized to reside in: Provided always, That nothing herein contained shall be taken to prevent the said Governor General in Council from enabling, by any Laws or Regulations or otherwise, any subjects of His Majesty to acquire or hold any lands or rights, interests or profits in or out of lands, in any part of the said Territories, and for any estates or terms whatever.

No disabilities
in respect of
religion, colour, or
place of birth.

LXXXVII. And be it Enacted, That no Native of the said Territories, nor any natural-born Subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any Place, Office, or Employment under the said Company.

Slavery to be mi-
tigated and abolished
as soon as prac-
ticable.

LXXXVIII. And be it further Enacted, That the said Governor General in Council shall, and he is hereby required forthwith to take into consideration the means of mitigating the state of Slavery and of ameliorating the condition of Slaves, and of extinguishing Slavery throughout the said Territories, so soon as such extinction shall be practicable and safe, and from time to time to prepare and transmit to the said Court of Directors Drafts of Laws or Regulations for the purposes aforesaid, and that in preparing such Drafts due regard shall be had to the Laws of Marriage, and the rights and authorities of Fathers and Heads of Families, and that such Drafts shall forthwith, after receipt thereof, be taken into consideration by the said Court of Directors, who shall with all convenient speed communicate to the said Governor General in Council their instructions on the Drafts of the said Laws and Regulations: But no such Laws and Regulations shall be promulgated or put in force without the previous consent of the said Court; and the said Court shall, within fourteen days after the first meeting of Parliament in every year, lay before both Houses of Parliament a Report of the Drafts of such Rules and Regulations as shall have been received by them, and of their Resolutions or Proceedings thereon.

LXXXIX. And

LXXXIX. And whereas the present Diocese of the Bishoprick of *Calcutta* is of too great an extent for the Incumbent thereof to perform efficiently all the duties of the office without endangering his health and life, and it is therefore expedient to diminish the labours of the Bishop of the said Diocese, and for that purpose to make provision for assigning new limits to the Diocese of the said Bishop, and for founding and constituting two separate and distinct Bishopricks, but nevertheless the Bishops thereof to be subordinate and subject to the Bishop of *Calcutta* for the time being, and his Successors, as their Metropolitan; be it therefore Enacted, That in case it shall please His Majesty to erect, found, and constitute two Bishopricks, one to be styled the Bishoprick of *Madras*, and the other the Bishoprick of *Bombay*, and from time to time to nominate and appoint Bishops to such Bishopricks, under the style and title of Bishops of *Madras* and *Bombay* respectively, there shall be paid from and out of the Revenues of the said Territories to such Bishops respectively the Sum of Twenty-four thousand Sicca Rupees by the year.

Respecting the inconvenient extent of Diocese of *Calcutta*.

If the King erects Bishopricks of *Madras* and *Bombay*, certain salaries to be paid to the Bishops.

XC. And be it Enacted, That the said Salaries shall commence from the time at which such persons as shall be appointed to the said office of Bishop shall take upon them the execution of their respective Offices, and that such Salaries shall be in lieu of all Fees of Office, Perquisites, Emoluments, or Advantages whatsoever, and that no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever shall be accepted, received, or taken by such Bishop, or either of them, in any manner, or on any account or pretence whatsoever, other than the Salaries aforesaid; and that such Bishops, respectively, shall be entitled to such Salaries, so long as they shall respectively exercise the functions of their several offices in the *British* Territories aforesaid.

Such salaries to commence from time of taking office, and to be in lieu of all fees, &c.

XCI. And be it Enacted, That the said Court of Directors shall, and they are required to pay to the Bishops so from time to time to be appointed to the said Bishopricks of *Madras* and *Bombay*, in case they shall be resident in the United Kingdom at the time of their respective appointments, the sum of Five hundred pounds each, for the purpose of defraying the expenses of their equipments and voyage.

Passage money for each such Bishop.

XCII. Provided always and be it Enacted, That such Bishops shall not have or use any Jurisdiction, or exercise any Episcopal Functions whatsoever, either in the said territories or elsewhere, but only such jurisdiction and functions as shall or may from time to time be limited to them respectively by his Majesty, by his Royal Letters-Patent under the Great Seal of the said United Kingdom.

As to jurisdiction of such Bishops.

XCIII. And

The King empowered by Letters-Patent to limit jurisdiction and functions.

XCVIII. And be it Enacted, That it shall and may be lawful for His Majesty from time to time, if he shall think fit, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, to assign limits to the Diocese of the Bishoprick of *Calcutta*, and to the Dioceses of the said Bishopricks of *Madras* and *Bombay* respectively, and from time to time to alter and vary the same limits respectively, as to His Majesty shall seem fit, and to grant to such Bishops respectively, within the limits of their respective Dioceses, the exercise of Episcopal Functions, and of such Ecclesiastical Jurisdiction as his Majesty shall think necessary for the superintendence and good government of the Ministers of the United Church of *England* and *Ireland* therein.

The Bishop of Calcutta to be Metropolitan in India.

XCIV. Provided always and be it Enacted, That the Bishop of *Calcutta* for the time being shall be deemed and taken to be the Metropolitan Bishop in *India*, and as such shall have, enjoy, and exercise all such Ecclesiastical Jurisdiction and Episcopal Functions, for the purposes aforesaid, as His Majesty shall, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, think necessary to direct; subject nevertheless to the general superintendence and revision of the Archbishop of *Canterbury* for the time being; and that the Bishops of *Madras* and *Bombay* for the time being, respectively, shall be subject to the Bishop of *Calcutta* for the time being, as such Metropolitan, and shall, at the time of their respective appointments to such Bishopricks, or at the time of their respective consecrations as Bishop, take an oath of obedience to the said Bishop of *Calcutta*, in such manner as His Majesty, by his said Royal Letters-Patent, shall be pleased to direct.

Warrants for Bills in Letters-patent appointing Bishops to be countersigned by the President.

XCV. And be it Enacted, That when and as often as it shall please His Majesty to issue any Letters-Patent respecting the Bishoprick of *Calcutta*, *Madras*, or *Bombay*, or for the nomination or appointment of any person thereto respectively, the Warrant for the Bill, in every such case, shall be countersigned by the President of the Board of Commissioners for the Affairs of *India*, and by no other person.

The King may grant certain pensions to Bishops of *Madras* or *Bombay*.

XCVI. And be it Enacted, That it shall and may be lawful for His Majesty, his Heirs and Successors, by Warrant under His Royal Sign Manual, countersigned by the Chancellor of the Exchequer for the time being, to grant to any such Bishop of *Madras* or *Bombay* respectively, who shall have exercised in the *British* territories aforesaid for Fifteen years the office of such Bishop, a pension not exceeding Eight hundred pounds *per annum*, to be paid quarterly by the said Company.

Respecting salary of Bishop of *Madras* or

XCVII. And be it Enacted, That in all cases when it shall happen the said person

person nominated and appointed to be Bishop of either of the said Bishopricks of *Madras* or *Bombay* shall depart this life within Six calendar months next after the day when he shall have arrived in *India* for the purpose of taking upon him the office of such Bishop, there shall be payable out of the Territorial Revenues from which the salary of such Bishop so dying shall be payable, to the legal personal Representatives of such Bishop, such sum or sums of money as shall, together with the sum or sums paid to or drawn by such Bishop in respect of his Salary, make up the full amount of one year's Salary; and when and so often as it shall happen that any such Bishop shall depart this Life while in possession of such office, and after the expiration of Six calendar months from the time of his arrival in *India* for the purpose of taking upon him such office, then and in every such case there shall be payable out of the Territorial Revenues from which the Salary of the said Bishop so dying shall be payable, to his legal Personal Representatives, over and above what may have been due to him at the time of his death, a sum equal to the full amount of the salary of such Bishop for Six calendar months.

Bombay dying within six months after arrival;

Or after six months holding office in India.

XCVIII. And be it Enacted, That if it shall happen that either of the Bishops of *Madras* or *Bombay* shall be translated to the Bishoprick of *Calcutta*, the period of Residence of such person as Bishop of *Madras* or *Bombay* shall be accounted for and taken as a residence as Bishop of *Calcutta*; and if any person now an Archdeacon in the said Territories shall be appointed Bishop of *Madras* or *Bombay*, the period of his residence in *India* as such Archdeacon shall for all the purposes of this Act be accounted for and taken as a residence as such Bishop.

As to residence of Bishop of Madras or Bombay if translated to Calcutta.

XCIX. Provided also and be it Enacted, That if any person under the degree of a Bishop shall be appointed to either of the Bishopricks of *Calcutta*, *Madras*, or *Bombay*, who at the time of such Appointment shall be resident in *India*, then and in such case it shall and may be lawful for the Archbishop of *Canterbury*, when and as he shall be required so to do by His Majesty, by his Royal Letters-Patent under the Great Seal of the said United Kingdom, to issue a Commission under his hand and seal, to be directed to the two remaining Bishops, authorizing and charging them to perform all such requisite ceremonies for the consecration of the person so to be appointed to the degree and office of a Bishop.

As to consecration of any person under the degree of a Bishop, if resident in India, appointed to a Bishoprick.

C. And be it Enacted, That the expenses of Visitations to be made from time to time by the said Bishops of *Madras* and *Bombay* respectively, shall be paid by the said Company out of the revenues of the said Territories:

Provision for expenses of visitations

Provided

Provided, that no greater sum on account of such Visitations be at any time issued, than shall from time to time be defined and settled by the Court of Directors of the said Company, with the approbation of the Commissioners for the Affairs of *India*.

No Archdeacon in India to have a Salary exceeding 3,000 sicca rupees.

CI. And be it Enacted, That no Archdeacon hereafter to be appointed for the Archdeaconry of the Presidency of *Fort William* in *Bengal*, or the Archdeaconry of the Presidency of *Fort Saint George*, or the Archdeaconry of the Presidency and Island of *Bombay*, shall receive in respect of his Archdeaconry, any Salary exceeding Three thousand Sicca Rupees *per annum*: Provided always, that the whole expense incurred in respect of the said Bishops and Archdeacons shall not exceed One hundred and twenty thousand Sicca Rupees *per annum*.

Two Chaplains of the Church of Scotland to be on the establishment of each Presidency.

CII. And be it Enacted, That of the establishment of Chaplains maintained by the said Company at each of the Presidencies of the said Territories, Two Chaplains shall always be Ministers of the Church of *Scotland*, and shall have and enjoy from the said Company such Salary as shall from time to time be allotted to the Military Chaplains at the several Presidencies: Provided always, That the Ministers of the Church of *Scotland* to be appointed Chaplains at the said Presidencies as aforesaid, shall be ordained and inducted by the Presbytery of *Edinburgh*, according to the forms and solemnities used in the Church of *Scotland*, and shall be subject to the Spiritual and Ecclesiastical Jurisdiction, in all things, of the Presbytery of *Edinburgh*, whose judgments shall be subject to dissent, protest, and appeal to the Provincial Synod of *Lothian and Tweeddale*, and to the General Assembly of the Church of *Scotland*; Provided always, That nothing herein contained shall be so construed as to prevent the Governor General in Council from granting from time to time, with the sanction of the Court of Directors and of the Commissioners for the Affairs of *India*, to any sect, persuasion, or community of Christians not being of the United Church of *England* and *Ireland* or of the Church of *Scotland*, such sums of money as may be expedient for the purpose of Instruction or for the maintenance of Places of Worship.

The Governor General in Council annually to make a prospective estimate of the number of vacancies in Indian establishments.

CIII. And whereas it is expedient to provide for the due qualification of persons to be employed in the civil service of the said Company in the said territories, be it therefore Enacted, That the said Governor General of *India* in Council shall, as soon as may be after the First day of *January* in every year, make and transmit to the said Court of Directors a prospective estimate of the number of persons who, in the opinion of the said Governor General

in Council, will be necessary, in addition to those already in *India* or likely to return from *Europe*, to supply the expected Vacancies in the Civil Establishments of the respective Governments in *India*, in such one of the subsequent years as shall be fixed in the Rules and Regulations hereinafter mentioned; and it shall be lawful for the said Board of Commissioners to reduce such estimate, so that the reasons for such reduction be given to the said Court of Directors:

And in the month of *June* in every year, if the said estimate shall have been then received by the said Board, and if not, then within One month after such estimate shall have been received, the said Board of Commissioners shall certify to the said Court of Directors what number of persons shall be nominated as Candidates for Admission, and what number of Students shall be admitted to the College of the said Company at *Haileybury*, in the then current year, but so that at least Four such Candidates, no one of whom shall be under the age of Seventeen or above the age of Twenty years, be nominated, and no more than One Student admitted for every such expected Vacancy in the said Civil Establishments, according to such Estimate or reduced Estimate as aforesaid: and it shall be lawful for the said Court of Directors to nominate such a number of Candidates for admission to the said College as shall be mentioned in the Certificate of the said Board; and if the said Court of Directors shall not, within One month after the receipt of such Certificate, nominate the whole number mentioned therein, it shall be lawful for the said Board of Commissioners to nominate so many as shall be necessary to supply the deficiency.

Board to certify what number of persons shall be candidates for admission to Haileybury College, and what number shall be admitted students.

CIV. And be it Enacted, That when and so often as any Vacancy shall happen in the number of Students in the said College, by death, expulsion, or resignation, it shall be lawful for the said Board of Commissioners to add, in respect of every such Vacancy, One to the number of Students to be admitted, and Four to the number of Candidates for admission to be nominated by the said Court, in the following year.

Additional students to be admitted to fill up vacancies.

CV. And be it Enacted, That the said Candidates for admission to the said College shall be subjected to an Examination in such branches of knowledge, and by such Examiners as the said Board shall direct, and shall be classed in a List to be prepared by the Examiners, and the Candidates whose names shall stand highest in such List shall be admitted by the said Court as Students in the said College, until the number to be admitted for that year, according to the Certificate of the said Board, be supplied.

The candidates for admission to be subjected to an examination and classed.

CVI. And be it further Enacted, That it shall be lawful for the said Board, The Board to frame

rules for the government of the college and the examination and qualification of candidates.

of Commissioners, and they are hereby required forthwith after the passing of this Act, to form such Rules, Regulations, and Provisions for the guidance of the said Governor General in Council in the formation of the Estimate herein before mentioned, and for the good Government of the said College, as in their judgment shall appear best adapted to secure fit Candidates for Admission into the same, and for the Examination and Qualifications of such Candidates, and of the Students of the said College, after they shall have completed their residence there, and for the appointment and remuneration of proper Examiners: and such Plan, Rules, and Regulations and Provisions respectively, shall be submitted to His Majesty in Council for his revision and approbation; and when the same shall have been so revised and approved by His Majesty in Council, the same shall not afterwards be altered or repealed, except by the said Board of Commissioners, with the approbation of His Majesty in Council.

Students to be examined and classed.

CVII. And be it Enacted, That at the expiration of such time as shall be fixed by such Rules, Regulations, and Provisions made as aforesaid, so many of the said Students as shall have a Certificate from the said College of good Conduct during the term of their residence therein, shall be subjected to an Examination in the studies prosecuted in the said College, and so many of the said Students as shall appear duly qualified, shall be classed according to merit in a List to be prepared by the Examiners; and shall be nominated to supply the Vacancies in the Civil Establishments in India, and have seniority therein according to their priority in the said List; and if there shall be at the same time Vacancies in the Establishments of more than one of the said Presidencies, the Students on the said List shall, according to such priority, have the right of electing to which of the said Establishments they will be appointed.

The Students to supply the vacancies in the service according to priority on the list, and to choose their Presidencies.

Sanction of Appointment of Professors.

CVIII. And be it Enacted, That no appointment of any Professor or Teacher at the said College shall be valid or effectual until the same shall have been approved by the Board of Commissioners.

All powers of Court of Directors to be subject to the control of the Board except Patronage.

CIX. And be it Enacted, That every Power, Authority, and Function, by this or any other Act or Acts given to and vested in the said Court of Directors, shall be deemed and taken to be subject to such control of the said Board of Commissioners as in this Act is mentioned, unless there shall be something in the enactments conferring such powers, authorities, or functions, inconsistent with such construction, and except as to any Patronage or right of appointing to Office vested in or reserved to the said Court.

CX. Provided

CX. Provided always and be it Enacted, That nothing herein contained shall be construed to enable the said Board of Commissioners to give or cause to be given directions, ordering or authorizing the payment of any extraordinary Allowance or Gratuity, or the increase of any established Salary, Allowance, or Emolument, unless in the cases and subject to the provisions in, and subject to which such directions may now be given by the said Board, or to increase the sum now payable by the said Company on account of the said Board, except only by such Salaries or Allowances as shall be payable to the Officers to be appointed, as hereinbefore is mentioned, to attend upon the said Board during the winding up of the commercial business of the said Company.

Board of Control prohibited from directing the grant of allowances.

CXI. And be it Enacted, That whenever in this Act, or in any Act hereafter to be passed, the term *East-India Company* is or shall be used, it shall be held to apply to the United Company of Merchants of *England* trading to the *East-Indies*: and that the said United Company of Merchants of *England* trading to the *East-Indies* may, in all suits, proceedings, and transactions whatsoever, after the passing of this Act, be called by the name of the *East-India Company*.

The Company to be called the East-India Company.

CXII. And be it Enacted, That the Island of *Saint Helena*, and all Forts, Factories, Public Edifices, and hereditaments whatsoever in the said Island, and all Stores and Property thereon, fit or used for the service of the Government thereof, shall be vested in His Majesty, his Heirs and Successors: and the said Island shall be governed by such orders as His Majesty in Council shall from time to time issue in that behalf.

Saint Helena vested in the Crown.

CXIII. And be it further Enacted, That every Supercargo and other Civil Servant of the said Company, now employed by the said Company in the Factory at *Canton* or in the Island of *Saint Helena*, shall be capable of taking and holding any Office in any Presidency or Establishment of the said Territories which he would have been capable of taking and holding if he had been a Civil Servant in such Presidency or on such Establishment during the same time as he shall have been in the service of the said Company.

Servants of the Company in China and St. Helena, to be eligible to Offices in any Presidency.

CXIV. And be it Enacted, That from and after the passing of this Act, all Enactments and Provisions directing the said Company to provide for keeping a Stock of Tea shall be repealed.

Repeal of Enactments for keeping a Stock of Tea.

CXV. And be it Enacted, That it shall be lawful for any Court of Justice established by His Majesty's Charters in the said Territories to approve, admit, and enrol Persons as Barristers, Advocates, and Attornies in such Court, without any License from the said Company, any thing in any such Charter contained

King's Courts authorized to admit Advocates and Attornies without the Company's License.

to the contrary notwithstanding: Provided always, that the being entitled to practise as an Advocate in the principal Courts of Scotland, is and shall be deemed and taken to be a qualification for admission as an Advocate in any Court in India, equal to that of having been called to the Bar in England or Ireland.

Accounts to be annually laid before Parliament.

CXVI. And be it further Enacted, That the Court of Directors of the said Company shall, within the first Fourteen sitting Days next after the First day of *May* in every year, lay before both Houses of Parliament, an Account made up according to the latest Advices which shall have been received, of the Annual Produce of the Revenues of the said Territories in *India*, distinguishing the same and the respective heads thereof at each of their several Presidencies or Settlements, and of all their Annual Receipts and Disbursements at Home and Abroad, distinguishing the same under the respective heads thereof, together with the latest Estimate of the same; and also the Amount of their Debts, with the Rates of Interest they respectively carry, and the annual Amount of such Interest, the State of their Effects and Credits at each Presidency or Settlement, and in *England* or elsewhere, according to the latest Advices which shall have been received thereof; and also a List of their several Establishments, and the Salaries and Allowances payable by the said Court of Directors in respect thereof; and the said Court of Directors, under the direction and control of the said Board of Commissioners, shall forthwith prepare Forms of the said Accounts and Estimates in such manner as to exhibit a complete and accurate View of the Financial Affairs of the said Company; and if any new or increased Salaries, Establishments or Pensions, shall have been granted or created within any year, the Particulars thereof shall be specially stated and explained at the foot of the Account of the said year.

Commencement of Act.

CXVII. And be it Enacted, That this Act shall commence and take effect from and after the passing thereof, so far as to authorize the appointment or prospective or provisional appointment of the Governor General of *India*, Governors, Members of Council, or other Officers, under the provisions herein contained, and so far as hereinbefore in that behalf mentioned, and as to all other matters and things, from and after the Twenty-second day of *April* next.

No. CLXXIV.

A BILL

As passed by the Honourable the House of Commons, and the Right Honourable the House of Lords, intituled "An Act to regulate the Trade to China and India."

WHEREAS the exclusive Right of trading with the Dominions of the Emperor of *China*, and of trading in Tea, now enjoyed by the United Company of Merchants of *England* trading to the *East-Indies*, will cease from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four: And whereas it is expedient that the Trade with *China*, and the Trade in Tea, should be open to all His Majesty's Subjects, and that the Restrictions imposed on the Trade of His Majesty's Subjects with Places beyond the *Cape of Good Hope* to the *Streights of Magellan*, for the Purpose of protecting the exclusive Rights of Trade heretofore enjoyed by the said Company, should be removed: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four, an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the East-India Company, and to make further Provisions with respect to such Trade, and to amend an Act of the present Session of Parliament, for the registering of Vessels so far as it relates to Vessels registered in India*, shall be repealed, except such Parts thereof as relate to *Asiatic* Sailors, *Lascars* being Natives of the Territories under the Government of the *East-India* Company, but so as not to revive any Acts or Parts of Acts by the said Act repealed; and except also as to such Voyages and Adventures as shall have been actually commenced under the Authority of the said Act; and except as to any Suits and Proceedings which may have been commenced, and shall be depending on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four; and from and after the said Twenty-second Day of *April* One thousand eight hundred

Repeal of the Act 4 Geo. IV. c. 80, except as herein mentioned.

hundred and thirty four the Enactments herein-after contained shall come into operation.

Repeal of Prohibitions upon the Importation of Tea and Goods from China, imposed by 6 Geo. IV. c. 107, and 6 Geo. IV. 114.

II. And be it further Enacted, That so much of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the general Regulation of the Customs*, as prohibits the Importation of Tea, unless from the Place of its Growth, and by the *East-India* Company, and into the Port of *London*; and also so much of the said Act as prohibits the Importation into the United Kingdom of Goods from *China*, unless by the *East-India* Company, and into the Port of *London*; and also so much of the said Act as requires that the Manifests of Ships departing from Places in *China* shall be authenticated by the Chief Supercargo of the *East-India* Company; and also that so much of another Act passed in the said Sixth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to regulate the Trade of the British Possessions Abroad*, as prohibits the Importation of Tea into any of the *British Possessions* in *America*, and into the Island of *Mauritius*, except from the United Kingdom, or from some other *British Possessions* in *America*, and unless by the *East-India* Company or with their License, shall be, from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four, repealed; and thenceforth (notwithstanding any Provision, Enactment, Matter, or Thing made for the Purpose of protecting the exclusive Rights of Trade heretofore enjoyed by the said Company, in any Charter of the said Company, in the said Act or any other Act of Parliament contained) it shall be lawful for any of His Majesty's Subjects to carry on Trade with any Countries beyond the *Cape of Good Hope* to the *Streights of Magellan*.

All British Subjects may carry on Trade beyond the Cape of Good Hope to the Streights of Magellan.

List of Persons on board any Ship arriving in India to be delivered to Officers of Cu

Penalty for neglect, £100.

III. Provided always and be it Enacted, That the Person having the Command of any Ship or Vessel arriving at any Place in the Possession of or under the Government of the said Company shall make out, sign, and deliver to the principal Officer of the Customs, or other Person thereunto lawfully authorized, a true and perfect List, specifying the Names, Capacities, and Description of all Persons who shall have been on board such Ship or Vessel at the Time of its Arrival; and if any Person having the Command of such Ship or Vessel shall not make out, sign, and deliver such List, he shall forfeit One hundred Pounds, one Half Part of which Penalty shall belong to such Person or Persons as shall inform or sue for the same, and the other Half Part to the said Company; and if the said Company shall inform or sue for the same, then the Whole of the said Penalty shall belong to the said Company.

And

IV. And be it Enacted, That the Penalty or Forfeiture aforesaid shall be recoverable by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record in the United Kingdom of *Great Britain and Ireland*, and in *India* or elsewhere, or in any Courts in *India* to which Jurisdiction may hereafter be given by the Governor General of *India* in Council in that behalf, to be commenced in the County, Presidency, Colony, or Settlement where the Offender may happen to be; or by Conviction in a summary Way before Two Justices of the Peace in the United Kingdom, or in *India*, of the County or Presidency where such Offender may happen to be; and upon such Conviction the Penalty or Forfeiture aforesaid shall and may be levied by Distress and Sale of the Goods and Chattels of the Offender; and for Want of such sufficient Distress every such Offender may be committed to the Common Goal or House of Correction for the Space of Three Calendar Months.

Penalties how recoverable.

V. And whereas it is expedient for the Objects of Trade and amicable Intercourse with the Dominions of the Emperor of *China* that Provision be made for the Establishment of a *British* Authority in the said Dominions: be it therefore Enacted, That it shall and may be lawful for His Majesty, by any Commission or Commissions or Warrant or Warrants under His Royal Sign Manual, to appoint not exceeding Three of His Majesty's Subjects to be Superintendents of the Trade of His Majesty's Subjects to and from the said Dominions, for the Purpose of protecting and promoting such Trade, and by any such Commission or Warrant as aforesaid to settle such Gradation and Subordination among the said Superintendents (One of whom shall be styled the Chief Superintendent), and to appoint such Officers to assist them in the Execution of their Duties, and to grant such Salaries to such Superintendents and Officers, as His Majesty shall from Time to Time deem expedient.

Three Superintendents of the China Trade to be appointed.

VI. And be it Enacted, That it shall and may be lawful for His Majesty, by any such Order or Orders, Commission or Commissions, as to His Majesty in Council shall appear expedient and salutary, to give to the said Superintendents, or any of them, Powers and Authorities over and in respect of the Trade and Commerce of His Majesty's Subjects within any Part of the said Dominions; and to make and issue Directions and Regulations touching the said Trade and Commerce, and for the Government of His Majesty's Subjects within the said Dominions; and to impose Penalties, Forfeitures, or Imprisonments for the Breach of any such Directions or Regulations, to be enforced in such Manner as in the said Order or Orders shall be specified; and to create a Court of Justice with Criminal and Admiralty Jurisdiction for the Trial of

His Majesty in Council may issue Orders and Commissions to have force in China.

And issue Regulations touching the Trade;

and create a Court of Justice for trial of offences in that part

Offences

Offences committed by His Majesty's Subjects within the said Dominions, and the Ports and Havens thereof, and on the High Seas within One hundred Miles of the Coast of *China*, and to appoint one of the Superintendents hereinbefore mentioned, to be the officer to hold such Court, and other Officers for executing the Process thereof; and to grant such Salaries to such Officers as to His Majesty in Council shall appear reasonable.

Superintendents, &c.
not to accept Gifts,
and

VII. And be it Enacted, That no Superintendent or Commissioner appointed under the Authority of this Act shall accept for or in discharge of his Duties any Gift, Donation, Gratuity, or Reward, other than the Salary which may be granted to him as aforesaid, or be engaged in any Trade or Traffic for his own Benefit, or for the Benefit of any other Person or Persons.

A To use Duty to
be used, to be
paid towards
defraying the
Expenses of Es-
tablishments in China.

VIII. And be it Enacted, That it shall be lawful for His Majesty, by and with the Advice of His Privy Council, by any Order or Orders to be issued from Time to Time, to impose, and to empower such Persons as His Majesty in Council shall think fit to collect and levy from or on account of any Ship or Vessel belonging to any of the Subjects of His Majesty entering any Port or Place where the said Superintendents or any of them shall be stationed, such Duty on Tonnage and Goods as shall from Time to Time be specified in such Order or Orders, not exceeding in respect of Tonnage the sum of Five shillings for every ton, and not exceeding in respect of goods the sum of Ten shillings for every One hundred Pounds of the value of the same; the Fund arising from the Collection of which Duties shall be appropriated, in such Manner as His Majesty in Council shall direct, towards defraying the Expenses of the Establishments by this Act authorized within the said Dominions: Provided always, that every Order in Council issued by Authority of this Act shall be published in the *London Gazette*, and that every such order in Council, and the amount of expense incurred, and of duties raised under this Act, shall be annually laid before both Houses of Parliament.

Limitation of
Actions.

IX. And be it Enacted, That if any Suit or Action shall be brought against any Person or Persons for any thing done in pursuance of this Act, then and in every such Case such Action or Suit shall be commenced or prosecuted within Six Months after the Fact committed, and not afterwards, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of His Majesty's Courts having Civil Jurisdiction, and then within Six Months after the Plaintiff or Plaintiffs and Defendant or Defendants shall have been within the Jurisdiction of any such Court; and the same and every such Action or Suit shall be brought in the County or Place where the Cause of Action shall

shall have arisen, and not elsewhere, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of His Majesty's Courts having Civil Jurisdiction ; and the Defendant or Defendants shall be entitled to the like Notice, and shall have the like Privilege of tendering Amends to the Plaintiff or Plaintiffs, or their Agent or Attorney, as is provided in Actions brought against any Justice of the Peace for Acts done in the Execution of his Office by an Act passed in the Twenty-fourth Year of the Reign King George the Second, intituled *An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants* ; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give the special Matter in Evidence ; and if the Matter or Thing complained of shall appear to have been done under the authority and in execution of this Act, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought and laid in any other County or Place than the same ought to have been brought or laid in as aforesaid, then the Jury shall find for the Defendant or Defendants ; and if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue any Action after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgment shall be taken against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for Recovery thereof as any Defendant or Defendants hath or have in any Cases of Law.

24 Geo. II. c. 44.

General Issue

If Action brought
after Time limited, &c.

Treble Costs.

GENERAL INDEX

TO

THE PAPERS.

A.

ACCOUNTS, INDIAN :

Not framed on proper principles.—*Grant*,
page 29

Object of their separation in 1813, to settle
the controversy whether the commerce was
a clog upon the territorial revenues.—*C. D.*
66

AGRA :

Its advantages as a central position of head-
quarters of commander-in-chief in India.—

Lord Dalhousie 256

Well-adapted for seat of fourth presidency.—

Tucker 341

Presidency of, should be made an efficient sub-
stantive government.—*Carnac* .. 401

ALEXANDER, HENRY, Esq.

Statement of the grounds on which he support-
ed the resolution of the Court of Directors,
12th Aug. 1833 479

ALLAHABAD :

Its advantages as a central position of head-
quarters of commander-in-chief in India.—

Lord Dalhousie 256

Its advantages as a seat of general government.

—*Lord Wm. Bentinck* 250

Objected to.—*Jenkins* 355

ALLOWANCES :

See GRATUITIES.

AMERICANS :

Take dollars and bills to China in preference to
manufactures.—*C. D.* .. page 7, 68

ANNUITY :

See DIVIDENDS and PROPRIETORS.

APPEAL :

Right of appeal should still be allowed to the
Company.—*C. D.* 63

———— on commercial questions ceases
with their commerce.—*Grant* .. 84

An appeal on the merits of an order cannot be
allowed.—*Grant* 85

———— a necessary security
against improper acts of an Indian minister.
—*C. D.* 97

The right of, may be expected to do good,
though rarely exercised.—*Tucker* .. 221

An appeal to the public through the Court of
Proprietors not without its use.—*Tucker*, 221

APPEALS IN ENGLAND :

In cases of old pecuniary claims ?—*C. D.* 101

Intended enactment to refer them to some
independent authority.—*Grant* .. 103, 106

APPEALS IN INDIA :

An appeal to Supreme Court recommended.—

Metcalf 234

Abolition of appeal to King in Council recom-
mended.—*Metcalf* 234

APPEALS IN INDIA—*continued*.

An appeal to Supreme Court at Calcutta, in case of collision between Subordinate Governments and King's Courts, suggested.—*Lord Wm. Bentinck* .. page 248

Appeals would be multiplied by vesting Supreme Government in India with efficient control over subordinate governments.—*C. D.* 308

APPROPRIATION :

Clauses of Acts of 1793 and 1813 considered.—*Grant* 44

Their principle applicable to proposed arrangement.—*Grant*, 46.—*C. D.* .. 78

Ultior appropriation of profits in Act of 1793 repealed in 1813.—*C. D.* 75

ARCHDEACONS of MADRAS and BOMBAY :

Proposed to be abolished.—*C. D.* 312.—*Grant* 334

ARISTOCRACY of INDIA :

Our degradation of it has created us enemies in Western India.—*Tucker* .. 124

ARMY, INDIAN :

Every member of it bound by allegiance to the Company.—*C. D.* 76

Its composition and feeling have deteriorated.—*Tucker* 123

The control of it should vest in the Court of Directors.—*Tucker* 128

Should be placed under one head.—*Metcalfe*, 226.—*Bayley*, 243.—*Lord Wm. Bentinck*, 253.—*Lord Dalhousie* 257

Its separation into three tends to cause an unnecessary increase of force.—*Metcalfe*, 226.—*Lord Wm. Bentinck*, 253.—*Lord Dalhousie* 257

A reduction of its numbers dangerous.—*Metcalfe*, 231.—*Bayley* 245

We ought to maintain, in peace, the largest army we can afford to pay.—*Metcalfe* .. 233

It ought to consist as much as possible of Europeans.—*Metcalfe* 233

Rank should not prevail so much over talent and conduct.—*Lord Dalhousie*, page 258
Presidency staffs may be dispensed with.—*Lord W. Bentinck*, 253.—*Lord Dalhousie*, 258
Policy of reducing the body-guard at Bengal and Madras considered.—*Metcalfe* .. 227
An escort necessary to the Governor-general.—*Metcalfe* 228
See also **COMMANDERS-IN-CHIEF**.

ASSETS of the COMPANY :

See **EAST-INDIA COMPANY** and **COMMERCIAL ASSETS**.

ASTELL, WILLIAM, Esq.

Concurs in Mr. Wigram's dissent of 19th July 1833 379
See **WIGRAM**.

Statement of the grounds on which he supported the resolution of the Court of Directors of the 12th Aug. 1833 479
See also **DIRECTORS, COURT OF**.

AUBER, PETER, Esq.

His evidence before the Committee of the Commons on the cost of Education at Haileybury.—*Jenkins* 390

Letter to, from Mr. Lawford, respecting fate of the Company's Petition to the House of Commons 406

B.

BATTEN, DR.

His testimony in favour of Haileybury College.—*Jenkins* 387

BAYLEY, W. B. Esq.

Minute on the Constitution of the Indian Governments 236

Objection to principle that no change should be made involving expense .. 236

A losing as well as a bad policy .. 236

Present condition of Indian finances do not require such sacrifice 236

Calculations of Finance Committee too sanguine 236, 241

General abolition of all Boards objectionable, 236, 241

- Supreme Government should not be charged with local administration of a Presidency, page 237
- But should regulate all branches of administration throughout India .. 237, 238, 244
- Subordinate governments should be strictly restrained in expenditure .. 237
- Governor General should be encouraged to continue longer in his post .. 238
- Relations between supreme and subordinate governments should be well-defined 239
- Powers of subordinate governments should be limited .. 239
- Adjustment of patronage between Governor-general and governors of presidencies 239
- Supreme government should have a Legislative Council .. 240
- Councillors at Presidencies may be dispensed with .. 240
- Governor General should retain his present power of independent action .. 240
- Upper Hindostan should be made a fourth Presidency .. 241
- Proposals for reducing expenditure considered, 241
- Personal expense of Governor General 241
- Abolition of certain Boards .. 241
- Division of territory amongst the Presidencies, 242
- Other reductions .. 242
- A supreme and four subordinate governments need not cost more than an additional seven or eight lacs .. 243
- The army should be under one head 243
- Necessity of relieving Supreme Government from its present load of business 244
- Proposed interference of local governments with Sudder Courts objectionable 244
- Union of civil service into one establishment desirable .. 245
- Any great diminution of military force objectionable .. 245
- But the state of our empire does not warrant apprehensions .. 245
- Statement of the grounds on which he supported the Resolution of the Court of Directors of 12th Arg. 1833 .. page 479
- BAX, JOHN, Esq.
- Reductions proposed by him.—*Metcalf*, 228, 229.—*Bayley* .. 236
- His remarks on the superfluity of force in Indian army controverted.—*Metcalf* .. 231
- BENGAL :
- Proposal of forming into two Presidencies considered.—*Metcalf*, 226.—*Bayley*, 241.—*Lord W. Bentinck*, 249.—*C. D.* .. 309
- Seat of government of, should be in Upper provinces.—*Lord W. Bentinck* .. 250
- BENTINCK, Lord WILLIAM :
- Minute on the Constitution of the Indian Governments .. 246
- Pressure of local details precludes Supreme Government from performance of more important functions .. 246
- Should be confined to general control of subordinate presidencies .. 246, 249
- Such control hitherto nearly nominal 247
- Subordinate governments stickle for independence .. 247
- Evils of want of subordination .. 247
- Conflicting orders in the armies .. 247
- Extravagance in subordinate governments, 248
- Collision between Bombay Government and King's Court .. 248
- Appeal proposed from subordinate presidencies to Supreme Court at Calcutta 248
- Objections to forming Bengal into two presidencies .. 249
- Governor General in Council of Bengal should reside in Upper Provinces .. 250
- A subordinate authority should reside at Calcutta .. 250
- Supreme Government need not renounce management of Bengal presidency 251
- Interference with subordinate presidencies need not be minute and meddling .. 251
- Constitution of Supreme Government .. 252

BENTINCK, LORD WILLIAM—continued.

Should either be left as it is ..	page 252
Or composed of a Governor General and one Councillor from each of the three presidencies	252
Supreme Government need not be moveable if Calcutta be not the seat of empire	252
If it be moveable, Governor General only should move	253
Impolicy of distributing political relations according to contiguity	253
Should be one Legislative Council for all India,	253
And one commander-in-chief ..	253
Civil service must be kept in a great degree separate	253

BILL for GOVERNMENT OF INDIA:

Summary of its principal provisions.— <i>Grant</i> ,	259
Copy of Bill, as first prepared ..	270
Observations and suggestions on.— <i>C. D.</i>	317
Petitions of the Company against ..	403, 448
Copy of Bill as passed by the House of Commons	407
Remarks on certain parts of the Bill.— <i>C. D.</i>	493
Error in copy of the Bill ..	495, 496
Copy of Bill as passed by the House of Lords,	505

CHINA TRADE:

Correspondence between the Chairs and Mr. Grant relating to provisions of, 453, 491,	492
Correspondence between Mr. Lawford and Mr. Carter respecting progress of, in House of Lords	502—504
See INDEX OF BOTH BILLS at the End.	

BILLS, REMITTANCE by:

See REMITTANCE.

BISHOPS in INDIA:

See ECCLESIASTICAL ESTABLISHMENT.

BOARD OF CONTROL:

Powers of, proposed in Paper of Hints ..	4
--	---

May reduce but not augment the number of writers and assistant-surgeons ..	page 4
May send despatches to India, if Court of Directors refuse, 4.— <i>C. D.</i> 63.— <i>Grant</i> , ..	84
To have a veto on recall of governors and commanders of the forces	4
To have power over all salaries, pensions, and gratuities, 4.— <i>C. D.</i> 64.— <i>Grant</i> ..	85
To have control over home expenditure and establishment	4
Their powers proposed to be too much increased.— <i>C. D.</i> 63.— <i>Grant</i>	83
Security of proposed annuity impaired by the Board's extent of power in the administration of India.— <i>C. D.</i>	78
The Board and the Court will retain the same comparative power and relative position, under proposed plan, as now.— <i>Grant</i> , ..	83
— <i>C. D.</i>	98
Modifications of power proposed to be given to Board, in respect to despatches.— <i>Grant</i> , ..	84
Board's supreme control over pensions and gratuities indispensable.— <i>Grant</i>	85
A specified sum for home establishment excepted.— <i>Grant</i> , 86.— <i>C. D.</i>	98
Publicity, as a rule, the most effectual check upon the Board.— <i>C. D.</i>	97
Proposed plan gives the Board power without responsibility.— <i>Tucker</i>	130
Scheme for adjusting relative powers of Board and Court.— <i>Tucker</i>	130
Conduct of Board in certain cases of claims by British subjects on native princes, illustrates necessity of rule of publicity.— <i>Marjoribanks</i>	209
The Court is not, in law or fact, dependent on the Board.— <i>Jenkins</i>	359
Differences between Board and Court, on matters of government, not affected by commercial character of the Company.— <i>Carnac</i> ..	398
Power of Board limited under present Bill.— <i>Carnac</i>	400
Limitation on expense of Board removed by present Bill.— <i>C. D.</i>	446

GENERAL INDEX.

- President of Board one of the only two powerful functionaries of Indian administration.—
Tucker Page 471
- BOARDS in INDIA :**
 Abolition of considered.—*Metcalfe*, 228.—*Bayley*, 237.—*Lord Dalhousie* .. 258
- BODY-GUARD in BENGAL and MADRAS :**
 See **ARMY**.
- BOMBAY :**
 Its excess of expenditure occasioned by power of its government over the expenditure.—
Metcalfe 229
 Removal of head-quarters of Indian navy from, to Calcutta, proposed.—*Metcalfe* .. 229
 Collision between the government and King's Court at, might have been prevented if advice of Supreme Government and Court at Calcutta could have been interposed.—*Lord William Bentinck* 248
- BRITISH CONSTITUTION :**
 See **CONSTITUTION**.
- BRITISH MANUFACTURES :**
 Can be introduced into China only to a very limited extent.—*C. D.* 7, 68
 This argument practically refuted by the result of free trade with India.—*Grant* 21
 Their introduction into India achieved by the assiduity of private enterprise.—*Grant* 21
 The extension of British manufactures in India since 1813 not the mere result of free trade.—*C. D.* 69
 A way open for their passage to China from India and the eastern archipelago.—*C. D.* 68
 The Company have exported them to China for national objects.—*C. D.* 70.—*Tucker* 137
 Cessation of those exports will increase exports from India to China.—*E. D.* .. 70
 Consequences of increased demand for in China on quality of tea.—*C. D.* 71
- BRITISH SUBJECTS :**
 To have a right of going to India without license.—*Grant* 4
 Their right of visiting the interior and of acquiring property there to be regulated by local governments.—*Grant* .. Page 4
 Are aspiring to possession of political power in India.—*Tucker* 123
 Their admission into interior of India renders restraints necessary for protection of natives.—*C. D.* 306
 They should be amenable to jurisdiction of Courts of India.—*Tucker*, 346. *Jenkins* 362
 General permission to hold land must tend to supersede native landholders.—*Tucker*, 348, 473
 Their deportation without sentence of a court of law, under an unlimited resort, defended.—*Jenkins* 363
 Evil consequences of settlement of Europeans in India.—*Tucker* 473
 And of allowing influx of lower classes thither, 473, 474
- BULLION :**
 Remittance of, from India, could only be occasional and might be inconvenient.—*C. D.* 67.—*Tucker* 136
 ————— opinion of Lord Amherst, that it would raise a popular cry against the Company.—*C. D.* 79
 ————— would expose the government to competition of private remitters.—*Tucker*, 125
- BURMESE WAR :**
 Undermined the financial prosperity of India.—
Tucker 120
- C
- CADETS :**
 No more should be sent than required to complete the army.—*Metcalfe* .. 233
- CALCUTTA :**
 Should be seat of proposed Supreme Government.—*Metcalfe*, 234.—*Tucker*, 343.—
Jenkins 355
 Too remote for a government to superintend Western provinces.—*Lord William Bentinck* 246, 252

CALCUTTA—*continued*.

The great exchange upon which commercial transactions of upper and lower provinces of Bengal are carried on.—*Lord William Bentinck* page 249

Should be seat of a subordinate authority under supreme government of Bengal in upper provinces.—*Lord William Bentinck* 251

Effect of private credit in, on question of remittance.—*Tucker* 120, 471

CANTON FACTORY:

See FACTORY.

CAPITAL, COMMERCIAL, of the COMPANY:

See COMMERCIAL ASSETS and COMMERCIAL CAPITAL.

CARNAC, JAMES RIVETT, Esq.

Dissent from resolution of Court of Directors, of 24th July 1833 397

Commercial and political functions of Company beneficially united for interests of India and England 397

But the existence of their commercial character not essential to the beneficial exercise of political functions .. 397

Should the Company, under the bill, put their Charter in abeyance? .. 399

India, well administered, affords ample security to proprietors 399

Monopoly would not have been continued under late Administration .. 399

The Company are still to be the originating intermediate body, in whom government of India is vested 399

And to retain considerable powers 400

Parliament has not taken same view of importance of rule of publicity as the Court, 400

Publicity can be obtained through the medium of Court of Proprietors .. 400

Appointment of Councils at subordinate presidencies 400

Government at Agra should be made an efficient substantive one 401

Law Commission absolutely called for .. 401

No objection to additional bishops, page 401

Results of episcopal establishment in India highly beneficial 401

Present mode of appointment to civil service, best 402

Court will possess all their existing powers essential to their functions .. 402

CARTER, WILLIAM, Esq.

Correspondence with Mr. Lawford concerning passing of East-India Bill and China Trade Bill 502

CHAPLAINS in INDIA:

See ECCLESIASTICAL ESTABLISHMENT.

CHARGES of HOME ESTABLISHMENT:

To be under control of Board.—*Grant*, 4.

—*C. D.* 64.—*Grant*, 85, 86.—*C. D.* 98

TERRITORIAL of INDIA:

Would be brought within revenue by reductions.—*Lord Ellenborough* .. . iii

Views of ministers with reference to the necessity of diminishing.—*Grant* .. 89

Must be provided by India.—*Grant* .. 18

Increase of, owing to ready resource offered by commercial funds.—*Grant* 30

owing to expensive wars.—*C. D.* 66

Might have been confined within revenue by economy.—*Grant* 31

All measures involving expenditure should originate with Court.—*C. P.* 184 —*Grant*, 188

Charges have been greatly increased by power of subordinate local governments to increase expenditure.—*Metcalf* 229

Principle of augmentation of expense an argument against changes considered.—*Metcalf*, 227.—*Bayley* 237

Most striking instances of unauthorized expenditure in Bengal government.—*C. D.* 309

Home government the only effectual check on improper expenditure.—*C. D.* .. 309

- Home Government has effected most important reductions of late years.—*C. D.* page 309
- Increase of charge by ecclesiastical department.—*C. D.* 331, 405
- not material.—
- Grant* 334
- by new offices in the Bill.—
- C. D.* 405.—*Marjoribanks*, 464.—*Tucker*, 471
- by Court of Directors, now useless.—*Marjoribanks* 465
- CHARGES, HOME:**
- Funds for them are provided through the Company's trade.—*C. D.* ii, vi
- not provided for in Paper of Hints.—*C. D.* 8
- Must be remitted by some of the usual channels of commerce.—*Grant* 18
- See also REMITTANCE.
- CHARTER ACTS:**
- Their provisions expounded.—*Grant*, 44.—*C. D.* 75, 77, 78
- CHINA:**
- Its commercial policy opposed to extension of a demand for British manufactures.—*C. D.* 68, 69
- Doubtful if private competition can withstand it.—*C. D.* 69
- The government not very strict in enforcing its laws against illicit trade whilst secure of its present revenue.—*C. D.* 71
- Enlargement of that trade might induce the government to put an end to British commerce altogether.—*C. D.* 71.—*Tucker*, 140
- British government functionaries less able to deal with Chinese authorities than Company's.—*C. D.* 72, 73
- Debt of China to India, and England to China, adjusted by instrumentality of the Company.—*Tucker* 125, 143
- Collisions with Government probable in open trade.—*Tucker* 140, 141
- Rash notions of invading and subjecting China.—*Tucker* page 141
- Arbitrary and unsteady policy of China injurious to commercial operations.—*Tucker*, 220
- Uncertainty attending our future intercourse with.—*Wigram* 378
- Doubtful if new authorities at Canton will be recognized by the Government.—*Wigram*, 378
- The Company should be exonerated from expense as to Chinese scamen.—*C. D.* 453.
- Grant* 491
- Tonnage duty to be levied on ships visiting China should not operate on country ships.—*C. D.* 453.—*Grant* 491, 492
- CHINA TRADE:**
- Monopoly indispensable to Company's government of India.—*C. D.* ii, vi
- Has chiefly supplied deficiency of territorial revenues.—*C. D.* ii, vi.—*Grant* 29
- Cessation of monopoly proposed.—*Grant*, 3, 52
- The Company's exclusive privilege not a monopoly.—*C. D.* 6, 66
- Cessation of privilege involves an injurious change in financial system of India.—*C. D.* 6
- Throwing open the trade may risk our intercourse with China, deteriorate quality of tea, and injure the revenue.—*C. D.* 7, 72.
- Grant*, 22, 24.—*Tucker* 127
- Prospect of new marts for British manufactures in China contrary to facts in evidence.—*C. D.* 7, 68
- This trade opened and preserved by the Company.—*C. D.* 9
- A very material change of the system now advisable.—*Grant* 16
- The question one of great delicacy and importance.—*Grant* 17
- Interests of nation best consulted by abolishing exclusive privilege.—*Grant* 17
- Materials for considering the question ample.—*Grant* 19

CHINA TRADE.—*continued.*

Opening this trade always, a question, of time and circumstance.— <i>Grant</i> ..	page 19
Exclusive privilege not an ultimate object, but a means to an end.— <i>Grant</i> ..	19
Relaxations of India trade created expectations of further.— <i>Grant</i> ..	20
General prepossessions in favour of open trade founded on experience and reflexion.— <i>Grant</i> ..	20
Presumption that its extent and benefit will be in proportion to opening afforded to capital and adventure.— <i>Grant</i> ..	20, 29
Exclusion of our merchants from China injurious beyond the limits of the immediate evil.— <i>Grant</i> ..	21
Prospect of no increased demand for British manufactures practically refuted by result of Indian open trade.— <i>Grant</i> ..	21
Demand not expected to be prodigious or immediate.— <i>Grant</i> ..	22
Competition will correct the evil of deterioration of tea.— <i>Grant</i> 22.— <i>C. D.</i> ..	72
Country trade with China likely to be extended.— <i>Grant</i> ..	23
A chief and council appointed by the Crown will be stationed at Canton.— <i>Grant</i> ..	24
Regulations and mutual interest will combat difficulties arising from freer resort of British adventure to China.— <i>Grant</i> ..	24
The present system does not afford an effectual safeguard.— <i>Grant</i> ..	25, 27
Effects of increase of country trade.— <i>Grant</i> , ..	25
Opening of the trade will probably improve the exchanges.— <i>Grant</i> ..	30
Company have no claim to continuance of the monopoly.— <i>Grant</i> ..	33
It ceases by mere operation of law.— <i>Grant</i> , ..	35
Privilege only valued by the Company as a means of aiding the government of India.— <i>C. D.</i> ..	64
It has yielded only a fair mercantile profit on capital employed.— <i>C. D.</i> ..	67

Doubtful if private competition can withstand the policy of the Chinese.— <i>C. D.</i> ..	page 69
China trade must take the course principally of a remittance trade from India.— <i>C. D.</i> ..	70
Bulk of private trade consists of smuggled opium.— <i>C. D.</i> ..	71
Probable extension of smuggling trade, and its dangerous consequence to British commerce in China.— <i>C. D.</i> ..	71
Company's influence necessary counterpoise to the Hong.— <i>C. D.</i> ..	72
Open trade should not commence till 1836.— <i>C. D.</i> ..	80, 379
Company's right to trade would prejudice free traders.— <i>C. D.</i> ..	94
Expediency of continuing to the Company the supply of home market with tea justified.— <i>Tucker</i> ..	117, 127, 137
Concessions by Company proposed.— <i>Tucker</i> , ..	117, 118
This trade the proper channel for territorial remittance.— <i>Tucker</i> ..	125
It settles the international accounts between China, India, and England.— <i>Tucker</i> ..	125
Disadvantages to which the British merchant will be exposed at Canton.— <i>Tucker</i> ..	139
The trade extremely beneficial to England and India.— <i>Tucker</i> ..	142
Conditions essential to doctrine of free trade not found in this trade.— <i>Tucker</i> ..	219
Popular voice has urged Government to take this trade from the Company.— <i>Tucker</i> , ..	222
Public opinion on the subject has undergone a change.— <i>Tucker</i> ..	222
The Company's trade should not suddenly cease.— <i>Wigram</i> ..	377
Evils of sudden cessation.— <i>Wigram</i> , ..	378.—
<i>Tucker</i> ..	470
The monopoly would not have been continued by late Administration.— <i>Carnac</i> ..	398

CHINA TRADE BILL :—

See BILL.

CHRISTIANITY IN INDIA :—

See CONVERSION OF NATIVES OF INDIA.

CIVIL ESTABLISHMENTS OF INDIA :

Policy of uniting them into one, considered.—

Metcalf, 226.—*Bayley*, 244.—*Lord Wm.*

Bentinck page 253

CIVIL SERVANTS :

To be educated at Haileybury.—*Grant* .. 3

Nomination of, to vest in Court of Directors.—

Grant 4

Mode of filling up vacancies.—*Grant* .. 4

Power of reducing but not augmenting their number to be given to Board of Control.—

Grant 4

Education of, a point open for consideration.—

Grant, 90.—*C.D.* 100

Nomination of, a question of national concernment.—*Tucker* 131

Proposal that Court shall nominate candidates to Haileybury College, one-fourth to be selected on examination.—*Grant*, 267.—*C.D.*, 312.—*Tucker* .. 351

Haileybury College unnecessary and inexpedient; its abolition recommended.—

C.D. 327, 406, 451

No appropriate education for, to be attained elsewhere.—*Jenkins* 386

A peculiar system of education necessary for Civil Service of India.—*Jenkins* .. 387

Objections to Haileybury College answered.—*Jenkins* 390, 391

Expense of education at the College.—*Jenkins*, 390

Present mode of appointment, under a defined test, preferable.—*Carnac* 402

Restoration of College of Fort William recommended.—*Jenkins* 392

Qualities requisite for civil servants.—*Tucker*, 352

Reduction of Members of Council prejudicial to policy recommended for civil service.—*C.D.* .. 311

Transfer of commercial establishment of China to civil service of India recommended.—*C.D.* 319

CLARKE WM. STANLEY, Esq. :

Dissent from Court's resolution of 19th July

1833 page 452

Advantages which would arise, in realizing assets, by temporary employ of Company's ships under contract 452

Statement of the grounds on which he supported the resolution of the Court on 12th August

1833 479

CODE for INDIA :

See LAW.

COLLISION :

Long and indecorous one between Government

and Supreme Court at Bombay might have been stayed, if not prevented, if Supreme Government and Court at Calcutta could have interfered.—*Lord Wm. Bentinck*, 248

Between British traders and Chinese—See CHINA TRADE.

COMMANDER-IN-CHIEF in INDIA :

Board of Control to have a veto on recall of, proposed.—*Grant* 4

Retention of power to recall, essential to efficiency of Court.—*Tucker* 127

Veto abandoned by ministers.—*Grant* .. 187

Should be but one.—*Metcalf*, 226.—*Bayley*, 243.—*Lord Wm. Bentinck*, 253.—*Lord Dalhousie* 257

Proposal open to objections.—*Jenkins* .. 363

His proper position in the midst of his army.—*Lord Dalhousie*, 255.—*Tucker* .. 351

Detaching from council, a change requiring caution.—*C.D.* 311

His head-quarters should be central.—*Lord Dalhousie* 255

Agra or Allahabad proposed.—*Lord Dalhousie*,

COMMERCE of the COMPANY :

Asserted, prior to 1814, to be a clog upon the territorial revenue.—*C.D.* 66

Its cessation injurious to various interests.—*Tucker* 127

COMMERCIAL ASSETS of the Company :

To be assigned to the Crown on behalf of the Indian territory.— <i>Grant</i>	3
Are thereby surrendered.— <i>C. D.</i>	8
Not without an equivalent.— <i>Grant</i>	34
Company's property is involved in doubt and entanglement.— <i>Grant</i>	36, 37
Statement of.— <i>Grant</i>	38, 40
Its liabilities.— <i>Grant</i>	38, 39
Doubtful whether commercial profits could be legally added to assets.— <i>Grant</i> , 40.— <i>C. D.</i>	75
No limit imposed by Parliament, since the Dewanny, on growth of trading capital.— <i>C. D.</i>	75
Doubtful whether assets not responsible for territorial debt.— <i>Grant</i>	41
Company's statement of their property open to scrutiny.— <i>C. D.</i>	74
Their claims have been recognized.— <i>C. D.</i>	74, 75, 76, 94
Extent of legal doubts respecting.— <i>C. D.</i>	75
Their amount in 1794 sufficient to secure annuity in consols.— <i>C. D.</i>	75
Questions of liabilities to be solved on principles of substantial justice.— <i>C. D.</i>	76
Territory has no right to commercial assets.— <i>C. D.</i>	77
Their transfer to the Crown objectionable.— <i>C. D.</i>	98
They are the fund to which Proprietors look for dividend and capital.— <i>Tucker</i>	114
Should be reserved as a guarantee-fund for dividend and redemption of capital.— <i>Tucker</i> ,	115
Realization of assets.— <i>C. D.</i> 80.— <i>Tucker</i> 115, 127, 470.— <i>Grant</i> , 371.— <i>Wigram</i> , 377.— <i>Clarke</i> , 452.— <i>Marjoribanks</i>	464
Suggestion respecting clause of appropriation.— <i>C. D.</i>	321
Assignment of to Crown will carry all attaching obligations.— <i>Grant</i>	90

COMMERCIAL CAPITAL and PROFITS of the Company :

COMMERCIAL CAPITAL:	
Accessible to Indian territory.— <i>C. D.</i> .. ii, vi	
Commercial in its origin.— <i>C. D.</i>	94
Company's right to, clear and incontestable.— <i>Tucker</i>	114
No minister would dare to confiscate it.— <i>Tucker</i>	114
Reimbursement of, should come from commercial assets.— <i>Tucker</i>	114
PROFITS :	
Accessible to Indian territory.— <i>C. D.</i> .. ii, vi	
Surplus profits, a tax upon the people of England.— <i>Grant</i>	29
Not so, unless the Company had used their privilege as a monopoly.— <i>C. D.</i>	66
But they have received no more than a fair mercantile profit.— <i>C. D.</i>	67
Doubtful whether commercial profits could legally be added to assets.— <i>Grant</i> , 40.— <i>C. D.</i>	75
Parliament has imposed no limit, since the Dewanny, to growth of capital.— <i>C. D.</i>	75
Applicable to securing dividends and for benefit of territory.— <i>Grant</i>	46
SUBSCRIBED CAPITAL:	
Does not exist in a definite form, separate from assets.— <i>Grant</i>	56
COMMERCIAL CLAIMS :	
Ought not to embarrass the question of government.— <i>C. D.</i>	60
Have been recognized.— <i>C. D.</i> .. 74, 75, 76, 94	
CONTRACTS of the COMPANY :	
State of the Company's affairs in respect to ensuing contracts.— <i>C. D.</i>	339, 376
Should not be proceeded with.— <i>Grant</i>	371
Exception of silk.— <i>Grant</i>	371
OBLIGATIONS, Out-standing :	
Ought to be provided for.— <i>C. D.</i>	80
Will be transferred, with assets, to government.— <i>Grant</i>	90

Objection to their transfer from the Company.
—*C. D.* page 99

Company should retain power over assets sufficient to provide for.—*C. P. 184.*—*Grant*, 188

COMMISSION of INQUIRY to INDIA:

Suggestions for conduct of, qualifications of commissioners, and heads of inquiry.—

Tucker 144

Necessity and expediency of, doubted.—*C. D.*

306 — *Tucker*, 384, 472.—*Jenkins* .. 362

Expense of.—*Tucker* 350, 472

Absolutely called for.—*Carnac* .. . 401

Competent to local government to institute inquiry.—*Tucker* 472

COMMUTATION ACT:

Secures dividends to Proprietors till 1836.—

C. D. 75

Company should be relieved from certain provisions of.—*C. D.* 318

COMPENSATIONS:

See GRATUITIES.

COMPROMISE:

Principle of proposed arrangement.—*Grant*, 36

Principle explained.—*Grant* 43

Preferable to litigation.—*Grant* .. 37, 40, 41

Should satisfy all parties.—*Grant* .. 51

The Court prepared to consent to a fair and liberal one.—*C. D.* 77

That offered by His Majesty's Ministers unfair.—*C. D.* 77

Under the circumstances, is entertained by the Court.—*C. D.* 94

Terms of, agreed upon, departed from.—*Marrishanks* 464

*See also EAST-INDIA COMPANY.

CONSTITUTION, BRITISH:

Jealousy of public with respect to, in reference to the Bill, extinct.—*Tucker* .. 469

Its integrity will exist only by sufferance of the Minister, if the Company reject the plan offered.—*Tucker* 477

CONSTITUTION of the INDIAN GOVERNMENTS:

See INDIAN GOVERNMENTS.

CONVERSION of NATIVES of INDIA:

An object deeply interesting to the civilized world.—*C. D.* page 329

But not right to tax the natives of India for it.

—*C. D.* 329

Court anxiously desirous that the natives should embrace Christianity.—*C. D.* .. 329

The object would be greatly retarded by identifying the work of missions with government.

—*C. D.* 329

COTTON, JOHN, Esq.

Statement of the grounds on which he supported the resolution of Court of 12th August 1833 479

COTTON MANUFACTURES:

Increase of export to India not a consequence of free trade, but of machinery.—*C. D.* 69

COUNCILS in INDIA:

LEGISLATIVE:

Proposed.—*Metcalfe*, 234. — *Bayley*, 210 —

Lord Wm. Bentinck 253

Objections to.—*Lord Dalhousie*, 258.—*Jenkins* 362

Seat of, Calcutta.—*Metcalfe* .. 234

One might be formed *pro hac vice*.—*Jenkins*, 360

SUPREME:

How to be constituted.—*Lord Wm. Bentinck*, 252.—*Lord Dalhousie* 257

If local councils are continued, no separate Supreme Council requisite.—*Jenkins*, 360, 361

COUNCILLORS:

At subordinate presidencies might be dispensed with.—*Bayley* 240, 241

Proposal objected to.—*C. D.*, 310, 405.—

Tucker 344, 472

Body of secretaries might act as a council board.—*Bayley* 240, 242

Not fit advisers of governors.—*C. D.* 310.

—*Tucker*, 342.—*Jenkins* 359

COUNCILLORS—*continued.*

- Crown's power of nomination, opposed to arrangement between Government and the Company.—*C. D.* page 312
- Its injurious tendency to good government of India.—*Tucker* 345

COURT of DIRECTORS:

See DIRECTORS.

COURTS, KING'S, in INDIA:

- King's Judges have inculcated doctrines calculated to weaken local government.—*Tucker*, 123
- Objection to admission of judges to Supreme Council.—*Tucker* 345
- Extension of legislative power of Governor General over King's Courts considered.—*Tucker*, 345.—*Jenkins* 362
- These courts have stretched their jurisdiction beyond all bounds.—*Tucker* .. 346
- Their jurisdiction might be accurately defined.—*Jenkins* 362
- Have become a source of evil, and object of terror and aversion to natives.—*Tucker*, 346, 350, 473
- Independence of King's Courts necessary.—*Jenkins* 362
- Governor General might have arresting power.—*Jenkins* 362

COURTENAY, WILLIAM, Esq.

- Correspondence with Mr. Grant relative to an error in copy of Bill 495, 496

CREDIT, PRIVATE, in CALCUTTA:

- Bearing of its present state on question of remittance.—*Tucker* 120, 471

CREDITORS, PUBLIC, of INDIA:

- Had no recognized lien upon the territory.—*Grant* 42
- They obtain specific advantages from proposed plan.—*Grant* 51
- Parliament has provided that interest of Indian debt should be paid out of territorial revenues.—*C. D.* 77

- And has virtually granted Indian creditors a lien on the territory.—*C. D.* .. page 77
- Proposal to postpone them to annuitants.—*Grant* 186
- Unjust so to set them aside.—*Tucker*, 218, 471
- Have just ground of complaint against the plan.—*Tucker* 471

D.

DALHOUSIE, EARL of:

- Minute on the constitution of the Indian governments 254
- Constant attendance of Commander-in-Chief in Council unnecessary 255
- His duty in the midst of his troops .. 255
- His permanent head-quarters should be in a central point 256
- Enormous expense of moveable quarters, 256
- Agra and Allahabad equal in advantages as a central point 256
- No necessity for a change in existing presidencies, or limits of them .. 257
- Governor General in Council should reside at Allahabad 257
- Lieutenant-Governors to administer local functions in Bengal, Madras, and Bombay. 257
- Supreme Council should be selected from councillors at subordinate presidencies, 257
- Should be one Commander-in-chief and one army 257
- Existing disjointed system increases number of the army 257
- Presidency staffs unnecessary .. 257
- Seniority should not prevail so much over talent and conduct 258
- Medical and Military Boards unnecessary, 258
- Objections to a Legislative Council .. 258
- A facility to enact laws dangerous in a government like the Indian 258
- Sufficient for Supreme Government to recommend laws, with power to provide for emergencies 258
- Laws for India should pass in Parliament only 258

DEBT, BOND:

To which branch chargeable, matter of dispute.

—*Grant* page 39

Provided for by Acts of 1793 and 1813.—*Grant*,
44

Must be discharged out of commercial assets
assigned to the Crown.—*Grant* .. 44, 47

—, INDIAN:

Diminished seventeen millions since 1814 by
means of Company's exclusive privilege—
C. D. 6

An advantage gained at the expense of Eng-
land.—*Grant* 29

Will not be increased by proposed plan.—*Grant*,
31, 33

A portion equal to amount of dividend proposed
to be purchased by Company's assets.—
Grant 31

Question if the whole debt be not a burthen
on Company's commercial funds.—*Grant*,
41

Advantages gained by holders of debt from pro-
posed plan.—*Grant* 43, 51

Provided for by Acts of 1793 and 1813.—*Grant*,
44

The debt inseparable from the territory.—*C. D.*
76

The interest a territorial charge by Act of
1813.—*C. D.* 77

— from TERRITORY to COMMERCE:

Open to question.—*Grant* 39

— from the PUBLIC to the COMPANY:

To form nucleus of proposed guarantee fund.—
Grant 88

DELHI, COURT of:

A rallying point for disaffected in India.—
Tucker 124

Policy pursued by Board of Control towards it.
Tucker 124

DEPORTATION:

Without sentence of a court of law, defended
under unlimited resort of Europeans to In-
dia.—*Jenkins* 363

DESPATCHES:

How to be sent under new arrangement.—

Grant 4

Allowing the Board to send despatches as well
as the Court, objectionable.—*C. D.* .. 63

Modifications of the proposed power.—*Grant*,
84

Proposed to be transmitted by an officer of the
Court and not signed by Directors.—*Grant*.
84

DIRECTORS:

Number and mode of election under proposed
plan.—*Grant* 3, 103

To retain their patronage.—*Grant* .. 3, 103

Their powers in relation with Board of Control
modified.—*Grant* 4

Relieved by proposed plan from avocations in-
compatible with political duties.—*Grant*, 34

Have been forced to act against the judgment
of the majority.—*Tucker* 124

Reasons why their number should not be
lessened.—*Tucker* 128

Disposition of relative powers of Directors and
Board, a difficulty.—*Tucker* 129

Proposed plan will give Directors responsibility
without power.—*Tucker* 129, 220

Scheme for making Court of Directors a useful
organ for administering India.—*Tucker*, 130

Their conduct approved by the Proprietors.—
C. P. 183

Want of rule of publicity will make them a mere
screen between Government and British
people.—*Tucker* 220

Their independence ought to be strengthened.
—*Tucker* 221

Ministers relinquish their intention of reducing
their number.—*Grant*, 265.—*C. D.* .. 312

And do not intend to recommend any material
change in the laws regulating them.—*Grant*,
265

To nominate candidates for Haileybury College.
—*Grant*, 266.—*C. D.* 312

They are not, in law or fact, dependent on
Board of Control.—*Jenkins* 359

DIRECTORS—*continued.*

Will be converted by the Bill into a mere instrument of Board, and a useless charge on finances of India.— <i>Marjoribanks</i> , page 484	
Will not continue an efficient and independent organ of administration.— <i>Tucker</i> ..	471
Will still retain powers which may be beneficially used for good of India.— <i>Tucker</i> , 477	
Will meet only to register edicts of Board — <i>Thornhill</i> ..	478

DIRECTORS, COURT of:

Minute of Secret Committee, 30th March 1821 ..	i
*Interview at Apsley House, 12th Oct. 1830	i
Minute of Conference between Duke of Wellington and Lord Ellenborough and the Chairs ..	i
Statement of views and intentions of the Company respecting renewal of their Charter ..	ii
Minute of Secret Committee of Correspondence, 20th Oct. 1830 ..	iv
Call made upon the Company for statement of their views unusual ..	iv
Injurious consequences of withdrawing the Company's commercial privileges ..	v, vi
Property and possessions of the Company ..	v
Indian territory has the use of the Company's means ..	vi
If China monopoly cease, Company's commercial capital will be absorbed in Indian expenditure ..	vi
Minute of Secret Court, 6th April 1831 ..	vii
Concurrence with the Secret Committee ..	vii
Minute of Secret Court, 28th July 1831 ..	viii
Communication between Mr. Grant and the Chairs ..	viii
Memoranda of Conversation between Mr. Grant and the Chairs, 7th Aug. 1831 ..	viii
Company defended against complaints of a disposition to withhold information ..	ix
The Company's records open to examination, ..	ix
Their servants ready to be examined ..	ix

Information attainable without the Company appearing as petitioners ..	page ix
Their case established by failure of their opponents ..	x
Minute of Secret Committee of Correspondence, 18th Dec. 1832 ..	1
Report from Chairs of an interview between them and Earl Grey and Mr. Grant ..	1
Letter to Chairs from Mr. Grant, 17th Dec. 1832 ..	2
Memorandum or Paper of Hints (see MEMORANDUM) ..	3
Minute of Secret Committee of Correspondence, 21st Dec. 1832 ..	5
Mr. Grant's letter ..	5
Minute of Secret Committee of Correspondence, 28th Dec. 1832 ..	5
Minute with reference to Mr. Grant's letter, 5	
Minute of Secret Committee of Correspondence, 2d Jan. 1833 ..	5
Approving minute of 28th Dec. 1832 ..	5
Company's exclusive privilege not a monopoly ..	6
Its discontinuance involves a most essential change in financial system of India ..	6
Public debt of India diminished 17 millions since 1814 by its profits ..	6
Throwing open China trade may prejudice our intercourse with China, the quality of tea, and the home revenue ..	7
Expected benefit of an open trade to our manufactures, contrary to facts ..	7
Reduction in price of tea in open trade gained at the expense of India and England ..	7
No provision for supply of home territorial funds ..	8
The plan involves the abolition of the Company, and a surrender of their rights and property, without adequate security of their temporary annuity ..	9
Committee decline recommending the proposals to the Court ..	9
The Company have added India to England, and opened and preserved the China trade, 9	

Their servants should be suitably provided for	page 9
Letters from the Chairs to Earl Grey and Mr. Grant, 3d Jan. 1833	10, 11
The foregoing Minute	10, 11
Minute of Secret Court, 13th Feb. 1833	11
Report of Communications between His Majesty's Ministers and the Chairs	11
Minute of Secret Court, 15th Feb. 1833	13
Letter from Mr. Grant	13
Letter from Mr. Grant, 12th Feb. 1833	14
Letter from Chairs to Mr. Grant, 15th Feb. 1834,	54
Information respecting certain points	54
Letter from Mr. Grant, 19th Feb. 1833	55
Minute of Secret Court, 20th Feb. 1833	57
Letter from Mr. Grant	57
Minute of Secret Committee of Whole Court, 22d Feb. 1833	58
Draft of proposed letter to Mr. Grant	58
Minute of Secret Committee of Whole Court, 26th Feb. 1833	58
Draft of letter approved	59
Minute of Secret Court, 26th Feb. 1833	59
Draft of letter approved	59
Letter from Chairs to Mr. Grant, 27th Feb. 1833,	59
Obligations of Company towards people of India	60
Their welfare Company's first object	64
The Company ought not to shrink from continuing their agency or resigning their trust for the sake of India	60
Can the Company exercise their political functions on the terms proposed?	60
This question should not be embarrassed by considerations affecting their commercial claims	60
Their rights of property must be preserved under either alternative	61
Ministers have been guided in their plan by experience of past	61
But the plan will essentially alter the present system	61

Question whether the annihilation of the Company's commercial character may not reduce them to a state of weakness incompatible with due performance of their political functions	page 61
The system of Indian government established by act of 1784 was one of mutual checks,	62
Much of its purity attributable to that cause,	62
The removal or weakening of one check would impair the efficiency of the government,	62
The Company, by the plan, would be deprived of the grounds of their responsibility	62
The patronage, without independence, would be a dangerous privilege	62
Divested of commerce, they would be merely an instrument for giving effect to the views of the Indian minister	63
Increase of power given to the Board of Control increases the probability of such result,	63
Expediency of allowing the Company a right of appeal	63
Or of providing for publicity in case of difference between Court and Board	63
Objections to the additional powers given to the Board	63, 64
Effect of the plan to convert the Court into a Government Board	64
Value attached to the exclusive privilege out of regard to interests of India	64
Misapprehension of Mr. Grant as to the saving accruing to territory from the use of commercial funds	64
Unfavourable prospect of Indian finances deprived of support afforded by Company's commerce	64
Past experience, the only safe test, opposed to hypothesis of Mr. Grant	64
Embarrassments of Indian finances, not in consequence of reliance on commercial profits, but principally caused by expensive wars,	66

DIRECTORS, COURT of—*continued.*LETTERS, &c.—*continued.*

- India has a strong claim to financial advantages from her connexion with England, page 66
- These advantages not a tax upon England, 66
- The Company have derived only a mercantile profit upon the capital employed .. 67
- Great financial advantage of present system, that the reasonable profits of a large concentrated trade are made available by the Indian finances 67
- The great importance of securing a regular supply of funds to meet home charges .. 67
- *The ordinary channels of commerce not likely to afford it 67
- The plan does not give sufficient weight and independence to the Court 68
- Question whether, with reference to policy of the Chinese, it be rational to expect an augmented demand for British manufactures in China 68
- Facts are adverse to that expectation .. 68
- Conduct and policy of the Chinese offer checks to commerce which oppose arguments drawn from British industry and enterprise .. 68
- No argument to be derived from analogy with the open trade to India 69
- The results of the India open trade not such as Mr. Grant supposes 69
- The China trade must take the course principally of a remittance trade from India .. 70
- The Company have voluntarily sacrificed, for British interests, the advantage of buying their teas with money 70
- In an open trade, merchants will pursue their own interests 70
- They will exchange Indian for China products, 70
- Statement cited by Mr. Grant, of country trade with China, erroneous 70
- *Large increase of imports in that trade consists of smuggled opium 71
- Danger in an open trade of whole British trade at Canton being illicit 71
- The Chinese government might then put an end to it altogether page 71
- Effect expected from peculiar nature of tea-trade can only be realized by deterioration of the article 71
- Competition would be prevented by the trade being confined to the hong 72
- The consumption of tea depends upon its quality 72
- A chief and council at Canton would not have the same influence with the Chinese authorities as the Company's factory .. 72, 73
- That influence arises chiefly from their having the sole management of a large trade 73
- Question affecting the property and claims of the Company 73
- The annuity might be secured in Consols by an outlay of £18,000,000 73
- Property claimed by the Company from £25,000,000 to £28,000,000 .. 73
- The title to the Indian property distinctly recognized 73
- The statements of the Company's property open to scrutiny and partly vouched for, 74
- Territory exposed to more risk than proprietors from protracted investigation .. 74
- The dividend secured till 1836; the territory not beyond 1834 75
- A portion of Company's property sufficient to secure annuity in Consols not affected by legal doubts 75
- Parliament has set no limit to growth of Company's trading capital 75
- And has recognized their right thereto 75
- Ultior appropriation of home profits in Act of 1793 repealed in Act of 1813 .. 75
- Act of 1813 recognizes right of Company to property beyond subscribed capital 76
- Questions of liabilities between two branches, must be solved on principles of substantial justice 76
- Inconsistent with justice to hold the trading stock of a corporation liable to political debts of British empire 76

Parliament has never yet decided question of political authority	page 76	Mr. Grant's letter considered	page 92
The territory and its debt must go together, 76		Minute of Secret Committee of Whole Court, 18th March 1833	92
Parliament has provided that interest of Indian debt shall be paid out of revenue	77	Draft of letter to Mr. Grant approved	92
And has virtually, if not technically, granted Indian creditor a lien upon the revenue, 77		Proposal that amount of guarantee-fund be three millions, negatived	92
No objection to a settlement upon principle of fair and liberal compromise	77	Minute of Secret Court, 18th March 1833	93
By proposed compromise, the Company would relinquish every thing, the territory nothing,	77	Letter to Mr. Grant approved	93
The territory has no right to the commercial assets	77	Letter from the Chairs to Mr. Grant, 18th March 1833	93
The security of the proposed annuity on the territory insufficient	78	Further information necessary for Proprietors,	93
Because the Board will have almost absolute sway over the Government	78	Company called upon to surrender all their corporate property	94
And because the finances of India may not suffice to pay the charges	78	Under circumstances, the Court entertains the offer of an annuity of £630,000 for a surrender of the Company's property	94
The Company ask no compensation for past risks and sacrifices	79	Security of annuity a point at issue	94
But some collateral security for their dividend is due to the Proprietors	79	Prospect of a deficient revenue renders collateral security necessary	94
Which would not be inconsistent with binding up their interests with those of India, nor prejudice its finances	79	Proposed guarantee fund a security for capital only to extent of £12,000,000	95
Without some such arrangement, justice will not be done to them	80	Deficiency of remittances to pay dividend not provided for	95
At expiration of the annuity, proprietors should receive as much principal as is now to be applied to its purchase	80	Guarantee fund should apply to dividend as well as capital	95
The Company are asked also to surrender their perpetual right to trade	80	Proposal to add the £891,000. Three per Cent. stock standing in Company's name	95
Period for winding up commercial concerns should be that of beginning of open trade, 80		The term for which the annuity will be irredeemable?	95, 96
Provision should be made out of assets from outstanding obligations and pensions	80	Government of India should remain with the Company for that term	95
Minute of Secret Court, 15th March 1833	81	Rate at which the capital is to be redeemable?	96
Letter of explanation from Mr. Grant	81	If independence of the Court should cease, the only security for existing system of Indian government to be found in publicity of their views	96
Letter from Mr. Grant, 14th March 1833, 82		Questions of <i>legality</i> of Board's orders not likely to occur	96
Minute of Secret Court, 16th March 1833	91	Courts of law only tribunals to decide them,	96
Letter of Mr. Grant	91	Appeal desired by the Court, on the merits, in special cases only	96
Minute of Secret Committee of Whole Court, 16th March 1833	91		

DIRECTORS, COURT of—*continued.*LETTERS, &c.—*continued.*

Great practical difficulty in bringing cases connected with India before Parliament, page 97	97
Publicity, as a rule, not an exception, the most effectual check on Board ..	97
Injustice of depriving the Court of the power of making pecuniary grants ..	97, 98
Intention to leave the Board and the Court in the same relative position as at present irreconcilable with proposed plan ..	98
Transfer of assigned funds to the Crown objectionable	98
The Court should have ample power to call home a sufficiency of funds ..	99
Temporary permission to the Company to remit in produce desirable	99
Objection to investing Ministers with appropriation of commercial property to outstanding obligations and claims of Company's servants	99
Proposal to continue for a time the management of free trade goods by Company's servants	99
Evils of throwing labourers and others out of employ	100
Mode of appointing civil servants ..	100
Minute of Secret Court, 22d March 1833	100
Letters from Mr. Grant	101
Draft of a letter to Mr. Grant ..	102
Special General Court summoned ..	102
Letter to Chairman from Mr. Grant, 16th March 1833	102
Letter to Chairs from same, 21st March 1833,	104
Letter from the Chairs to Mr. Grant, 22d March 1833	107
The Court cannot lend their sanction to the plan, unless the Company retain their political authority during the term of the annuity	107
Letter to the Chairs from Mr. Grant, 25th March 1833	109
Minute of Court, 3d April 1833, .. .	113

Dissent of Mr. Tucker ..	page 113
Minute of Court, 3d May 1833 ..	181
Result of the Ballot	181
Letter from the Chairs to Mr. Grant, 3d May 1833	182
Resolution of Court of Proprietors ..	182
Minute of Secret Court, 28th May 1833 ..	184
Letter from Mr. Grant	184
Letter to the Chairs from Mr. Grant, 27th May 1833	185
Minute of Secret Committee of Whole Court, 28th May 1833	189
Draft reply to Mr. Grant	189
Minute of Secret Committee of Whole Court, 29th May 1833	190
Draft approved	190
Minute of Secret Court, 29th May 1833 ..	191
Draft approved	191
Letter from Chairs to Mr. Grant, 29th May 1833	191
Amount of guarantee fund	192
Should be equal, with accumulations, to amount of capital to be discharged ..	192
Or annuity might be made irredeemable till fund accumulated to £12,000,000 ..	192
The Company entitled to retain £3,000,000 out of assets	193
Security for dividend satisfactory ..	193
Question of publicity	193
Object of Court, a communication of a fact to Parliament	193
A necessary check to secure independence of the Court	194
Minute of Secret Court, 5th June 1833 ..	194
Letter from Mr. Grant	194
Letter to Chairs from Mr. Grant, 4th June, 195	
Minute of Secret Committee of Whole Court, 6th June 1833	199
Letter from Mr. Grant	199
Minute of Secret Committee of Whole Court, 7th June 1833	199
Letter from Mr. Grant	199
Motion of Chairman, that the Court decline recommending the Proprietors to depart from their resolution— <i>negatived</i> ..	200

<i>Resolution, recommending to Proprietors to defer to proposal of Ministers,—approved,</i>	
page 201	
Report of Committee of Whole Court, 7th June 1833	202
Resolution of Secret Committee	202
Minute of Secret Court, 7th June 1833	202
Resolution approved	203
Draft of letter to Mr. Grant	204
Letter from Chairs to Mr. Grant, 7th June 1833,	204
The foregoing Minute	204
Minute of Court, 10th June 1833	207
Letter from Mr. Grant	207
Dissent by the Chairs	207
Letter from Mr. Grant to the Chairs, 8th June 1833	208
Dissent of Chairs from Resolution of 7th June 1833 (See MARJORIBANKS)	208
Letter from Chairs to Mr. Grant, 10th June 1833	214
Resolution of Court of Proprietors	214
Minute of Court, 12th June 1833	215
Letter from Mr. Smith (See SMITH)	215
Paper by Mr. Masterman (See MASTERMAN),	215
Dissent by Mr. Tucker (See TUCKER)	215
Letter to the Chairs from Mr. Grant, 11th June 1833	223
Minute of Secret Court, 25th June 1833	223
Minutes of Bengal Government respecting constitution of Indian Governments	223
Letter to Chairs from Mr. Grant, 24th June 1833	259
Minute of Secret Court, 26th June 1833	262
Draft of letter to Mr. Grant	262
Letter from Chairs to Mr. Grant, 26th June 1833	263
Summary of proposed Bill	263
Minute from Secret Court, 28th June 1833,	264
Letter from Mr. Grant	264
Letter to Chairs from Mr. Grant, 27th June 1833	264
Minute of Secret Committee of Whole Court, 28th June 1833	267
Letters from Mr. Grant	page 268
Draft of letter to same	268
Minute of Secret Court, 1st July 1833	268
Draft of letter approved	269
Letter to Chairs from Mr. Grant, 29th June 1833	269
Minute of Secret Committee of Whole Court, 1st July 1833	305
Draft of letter to Mr. Grant altered	305
Report of Committee, 1st July 1833	305
The same	305
Letter from Chairs to Mr. Grant, 2d July 1833,	306
Admission of Europeans into India	306
Should be placed under suitable restraint for protection of natives	306
Natives in interior not to be brought within process of Supreme Court	306
Condition of the natives	306
Court will approve of any plan for improving it without violence to caste or property,	306
Their more extensive employment in accordance with Court's views	306
State of the law	306
Commission of Inquiry	306
Doubtful if uniformity of law be practicable in India	306
Constitution of Indian governments	306
Policy hitherto to make India subject to home government	307
Proposal to vest official control in Supreme Government will materially interfere with control of home government	307
Power given to Governor General too vast,	307
Subordinate governments too much reduced	307
The Court's previous sanction to expenditure abandoned	307
Review of proceedings abroad will increase delay and expense	307
The forming Western Provinces into a separate government, and continuing Governor General governor over Lower	

DIRECTORS, COURT of—*continued.*LETTERS, &c.—*continued.*

Provinces with control over subordinate governments, would add to his labours,	page 308
Would occasion two appeals instead of one.	308
Important to check expenditure of Bengal,	309
Most striking instances of unauthorized expenditure there	309
Home authorities can best check improper expense	309
Separation of Upper Provinces into a fourth, presidency unnecessary	309
Will occasion additional expense	309 ^A
Impossible to effect a division of servants,	310
Taking away councils from Madras and Bombay objectionable	310
Power of Governors will be abused without check of Councils	310
Secretaries less fit advisers	310
Caution necessary in removing Commanders-in-chief from councils	311
Reduction of councillors inconsistent with policy recommended for civil service,	311
Functionaries will look up to Governor General instead of their own Governors	311
Laws enacted by Supreme Government to be approved by the Court	311
King's power of appointment over councillors opposed to arrangement	312
Doubtful if extension of episcopal functionaries in India be required	312
Scheme regarding admission to civil college disapproved	312
Minute of Committee of Whole Court, 3d July 1833	315
The Bill	315
Minute of same, 9th July 1833	315
The Bill	315
Paper of Observations	316
Draft letter to Mr. Grant	316

Minute of Court, 9th July 1833	page 316
Paper of Observations	316
Draft letters to Mr. Grant	316
Letter from Chairs to Mr. Grant, 10th July 1833	317
Paper of Observations	317
Letter from Chairs to Mr. Grant, 10th July 1833	328
Objections to enlargement of episcopal establishment in India	328
Principle of establishment to provide religious means for civil and military functionaries.	329
Expense incurred thereby to natives should be limited to this object	329
Cannot be right to tax natives for missions to convert them	329
The Protestant Christian population does not require more than one bishop	329
If the episcopal establishment be increased, extension of Scotch establishment cannot be resisted	330
Mortality in see of Calcutta not attributable to excessive duties of the office	330
Inconvenience of want of bishop during vacancies not great	330
Extension of Indian territory has not added materially to labours of bishop	331
If otherwise, relief should be provided not at expense of people of India	331
Great increase of Indian ecclesiastical establishment	331
Impossible to limit expense if two more sees are created	331
Letter to Chairs from Mr. Grant, 12th June 1832 (referred to)	332
Letter to Chairs from Mr. Hyde Villiers, 18th July 1832 (referred to)	335
Minute of Secret Court, 5th June 1833	337
Commercial contracts	337
Minute of Secret Committee of Whole Court, 5th June 1833	337
The same	337

Minute of Secret Committee of Whole Court,	
12th June 1833	page 338
Commercial Contracts	338
Minute of Secret Court, 12th June 1833 ..	338
The same	338
Letter from Chairs to Mr. Grant, 12th June	
1838	339
Peculiar state of Company's affairs, with re-	
gard to commercial contracts and engage-	
ments, in England, India, and China ..	339
Minute of Court, 5th July 1833	340
Dissents of Mr. Tucker and Mr. Jenkins ..	340
Minute of Court, 9th July 1833	364
Maritime service	364
Letter from officers of maritime service to	
Court, 9th July 1833	364
Minute of Committee of Whole Court, 9th July	
1833	365
Commercial Contracts	365
Minute of Committee of Whole Court, 10th July	
1833	366
The same	366
Minute of Court, 10th July 1833	366
The same	366
Letter from Chairs to Mr. Grant, 10th July	
1833	367
Contracts for teas at Canton	367
Minute of Committee of Correspondence, 10th	
July 1833	367
Compensation clause	368
Minute of Court, 10th July 1833	368
The same	368
Letter from Chairs to Mr. Grant, 11th July	
1833	369
The same	372
Minute of Court, 17th July 1833	369
Commercial Contracts	370
Ecclesiastical establishment	370
Compensation clause	370
Letters to Chairs from Mr. Grant, 13th July	
1833	371, 372, 373
Letter from Chairs to Mr. Grant, 17th July	
1833	374
Contracts for tea and indigo	374

Minute of Committee of Whole Court, 19th	
July 1833	page 375
The same	375
Minute of Court, 19th July 1833	376
Instructions for China and Bengal	376
Dissents of Mr. Wigram and Mr. Astell ..	376
Minutes of Court, 23d July 1833	382
Copy of Bill	382
Minute of Committee of Whole Court, 23d July	
1833	382
Draft letter to Mr. Grant—The Bill	382
Minute of Court, 23d July 1833	383
Draft letters to Mr. Grant—The Bill	383
Letter from Chairs to Mr. Grant, 23d July	
1833	344
Petition to House of Commons against the Bill.	
.. .. .	384
Letter from Chairs to Mr. Grant, 23d July	
1833	385
Establishment at St. Helena	385
Minute of Committee of Whole Court, 24th	
July 1833	393
Draft Petition to House of Commons	393
Minute of Court, 24th July 1833	393
The same	394
Minute of Court, 26th July 1833	394
Letters from Mr. Grant	394
Dissent of Mr. Carnac	395
Letter to Chairs from Mr. Grant, 25th July	
1833	395
The same	396
Minute of Court, 30th July 1833	445
Opinion of Counsel	445
Draft letter to Mr. Grant	445
Draft Petition to House of Lords	445
Letter from Chairs to Mr. Grant, 30th July	
1833	446
Opinion of Counsel	446
Minute of Court, 31st July 1833	452
Asiatic seamen and tonnage duty in China,	
Dissent of Mr. Clarke	452
Letter from Chairs to Mr. Grant, 1st Aug. 1833.	
.. .. .	453
Asiatic seamen and tonnage duty in China,	
Minute of Court, 7th Aug. 1833	454

DIRECTORS, COURT of—*continued.*LETTERS, &c.—*continued.*

Compensations	page 454
Letters to Mr. Grant	454
Letter from Chairs to Mr. Grant, 6th Aug. 1833,	455
Compensations to reduced officers ..	455
Letter from Chairs to Mr. Grant, 6th Aug. 1833,	456
Postponement of third reading of Bill	456
Minute of Court, 8th Aug. 1833 ..	457
State of the Bill	457
Minute of Court, 12th Aug. 1833 ..	459
Amendments in Bill	459
• <i>Motion</i> ,—that the Court, under circumstances,	
cannot recommend Proprietors to place their	
commercial rights in abeyance,— <i>negatives</i> ,	459
<i>Resolution</i> , that, under circumstances, the	
Court cannot do otherwise than recommend	
• Proprietors to consent thereto,— <i>agreed to</i> ,	461
Dissent of Mr. Marjoribanks (Chairman) and	
Mr. Wigram (Deputy Chairman) ..	462
Minute of Court, 13th August 1833 ..	467
Letter and paper from Mr. Tucker ..	467
Paper from Mr. Thornhill	467
Letter from fourteen members of Court ..	467
Letter to Court from Mr. Tucker, 12th Aug.	
1833	468
Letter to Court from fourteen Directors ..	479
Minute of Court, 13th Aug. 1833 ..	487
Ballot of Proprietors respecting question of	
placing their chartered rights in abeyance,	487
Letter from Chairs to Mr. Grant, 13th Aug.	
1833	488
The same	488
Minute of Court, 14th Aug. 1833 ..	489
The India Bill	489
The China Trade Bill	490
• Letter to Chairs from Mr. Grant, 12th Aug.	
1833	490
Letter to Chairs from Mr. Grant, 13th Aug.	
1833	491

Letter from Chairs to Mr. Grant, 14th Aug.

1833	page 491
Duties to be levied in China.. ..	492
Equalization of duties on products of India in	
England	492
Letter from Chairs to Mr. Grant, 14th Aug.	
1833	492
Remarks on certain parts of Bill ..	493
Letter to Chairman from Mr. Grant, 14th Aug.	
1833	495
Letter from Chairs to Mr. Grant, 16th Aug.	
1833	500
Result of Ballot	500

DISSENTS of MEMBERS of COURT of
DIRECTORS :

Mr. Tucker	113, 217, 340
Chairs	208, 462
Mr. Smith	216
Mr. Jenkins	353, 386
Messrs. Wigram and Astell	377
Mr. Carnac	397
Mr. Clarke	452

DIVIDENDS :

But for limitation by law would have been much	
larger.— <i>C. D.</i>	vi
Under proposed plan, unsecured.— <i>C. D.</i> ..	8
Security offered, open to no reasonable impeach-	
ment.— <i>Grant</i>	33
Security already till 1836.— <i>C. D.</i> ..	75
Exposed, under proposed plan, to effects of al-	
most absolute sway of Board in government	
of India.— <i>C. D.</i>	78
Will be unavoidably postponed to current obli-	
gations.— <i>C. D.</i> 78.— <i>Grant</i>	86
Company now charged with receiving dividend	
to inconvenience of territory.— <i>C. D.</i> ..	78
They have priority, at present, over political	
charges.— <i>C. D.</i>	79
A further security than Indian revenue neces-	
sary.— <i>C. D.</i> 79, 94.— <i>Tucker</i> ..	114, 119
Important that they should be punctually	
realized.— <i>Grant</i> , 87.— <i>C. D.</i> ..	96
An additional collateral security provided.—	
<i>Grant</i>	87

- Guarantee-fund should apply to dividend as well as capital
C. D. 95.—*C. P.* 183.—*Grant*, 186
- Term of years for which annuity to be irredeemable?—*C. D.* 95
- Term proposed, forty years, when fund will amount to £6,000,000
Grant, 105.—*C. P.* 183
- Commercial capital the fund for payment of dividend.—*Tucker* 114
- Dividend to have preference of all territorial payments in England.—*Grant*, 186.—*C. D.* 193
- Highly unjust, if practicable.—*Tucker* 471
- Guarantee-fund, in emergencies, may be available for dividends.—*Grant* .. 187
- Sufficient security, if not diverted to other objects.—*C. D.* 193
- English security an object of very great importance.—*Tucker* 218
- £3,000,000 the very smallest sum for guarantee-fund.—*Tucker* 218
- Security and punctuality of payment main object of English capitalists.—*Tucker* .. 218
- Term of annuity should have reference to that of political authority and to period at which guarantee-fund will reach its maximum.—*Tucker* 218
- Value of stock in market a good criterion of opinion of public security.—*Carnac* 399
- Security of India, if well administered, good and ample.—*Carnac* 399
- E.
- EAST-INDIA COMPANY:**
- Their views and intentions respecting government of India, with the Chinese monopoly, ii
- Their right to trade as a corporate body proposed to be retained.—*Duke of Wellington* and *Lord Ellenborough*, iii
- Property and possessions of the Company.—*C. D.* v
- Proposal to assign property to Crown for benefit of Indian territory.—*Grant* 3
- Such parts as convertible to money to be applied to redemption of so much of territorial debt as equals £630,000 a year.—*Grant*, page 3
- Their commerce to cease; their political functions to continue.—*Grant* .. 3, 16
- Doubt whether the terms offered will justify their undertaking those functions.—*C. D.* 8
- Proposal to assign assets to the Crown for redeemable annuity, involves abolition and surrender of rights of Company for an inadequate consideration
C. D. 8, 94.—*Grant*, 34
- Proposed plan does not abolish Company, but leaves them on as firm a basis as ever.—*Grant* 34
- Rights they are called upon to surrender examined *Grant*, 35.—*C. D.* 94
- Company have been instrument of adding India to the Crown and of opening and preserving China trade.—*C. D.* 9
- They have claims for compensation for risks and sacrifices.—*C. D.* 9, 79
- Their claims cannot reach beyond profits and territorial revenues.—*Grant* .. 33
- No claim to monopoly of China trade.—*Grant*, 33
- Their right to their property undoubted.—*C. D.* 9, 74, 94.—*Tucker*, 114
- Their commercial property involved in doubt and entanglements
Grant, 36, 37, 39.—*C. D.* 74, 94
- Their rights in India exposed to question.—*Grant* 39, 74
- Not compelled to accept proposed plan.—*Grant* 35
- Inducements for their acceptance of it.—*Grant* 35
- Their administration of India has secured to it considerable measure of good government.—*Grant* 16
- They dispense Indian patronage without exciting popular jealousy.—*Grant* .. 16
- Proposed to continue their political functions.—*Grant* 16
- Their public spirit and exertions in commercial character acknowledged.—*Grant* .. 16, 22

EAST-INDIA COMPANY—*continued.*

- A change of their commercial system advisable at present day.—*Grant* .. . page 16
- Their exclusive privileges not an ultimate object, but a mean to an end.—*Grant* .. 19
- Privileges have been gradually diminished.—*Grant.* .. . 19
- Company's agency in administration of India desired.—*Grant* .. . 35
- Their political authority a trust confided to them for benefit of whole empire.—*Grant,* 35
- Their joint-stock trade cannot expect to be profitable.—*Grant* .. . 36, 55
- Relinquishment of their charter no part of plan.—*Grant* .. . 55
- Right of trade surrendered by surrender of trading capital.—*C. D.* .. 80, 94
- Right should be in abeyance.—*Grant* .. 55
- Basis of proposed arrangement rests on compromise between territory and commerce.—*Grant* .. . 36
- Compromise preferable to litigation.—*Grant,* 37
- Court prepared to consent to a fair and liberal compromise.—*C. D.* .. . 77
- By compromise offered, Company would surrender all rights and property.—*C. D.* 77, 94
- Confusion of their functions source of difficulty in settling compromise.—*Grant* .. 43
- Principle of compromise explained.—*Grant,* 43
- Their political agency will be dispensed with if terms rejected.—*Grant* .. . 53
- Their subscribed capital no where exists in a separate form.—*Grant* .. . 56
- Their obligations to people of India paramount.—*C. D.* .. . 60, 64
- The welfare of India first object of Company.—*C. D.* .. . 60
- Sole consideration which would induce them to continue or resign political agency.—*C. D.* .. . 60
- By proposed plan, Company would be rendered too weak and dependent.—*C. D.* .. 62, 68
- Court and Board to retain same relative power and position as now.—*Grant* .. 83
- Difficult to reconcile this with plan.—*C. D.* 98
- Control of Board over revenues will not operate to disparagement of Company.—*Grant,* page 86
- If Company are rendered dependent, patronage might prove a dangerous privilege.—*C. D.* 62
- Without commerce, Company might become a mere instrument of Indian minister.—*C. D.* 63
- Effect of proposed plan to convert Company into a Government Board.—*C. D.* .. 64
- Under proposed plan Company will preserve their independence.—*Grant* .. 84
- Independence of Company the charm of present system.—*C. D.* .. . 96
- A continuance of independent power now possessed of rewarding services, essential .. *C. D.* 64, 97
- Not possible to leave to Company discretionary application of revenues.—*Grant* .. 86
- Company have exported British manufactures to China solely for national objects.—*C. D.* 70
- They do not engage in illicit opium trade.—*C. D.* .. . 71
- Hence smallness of their imports into China compared with private trade.—*C. D.* .. 71
- Their influence admitted by parliamentary committee a necessary counterpoise to Hong.—*C. D.* .. . 72
- Their control in market of Canton has maintained quality of tea.—*C. D.* .. 72
- Company desirous not to subject Great Britain to pecuniary liability on account of India.—*C. D.* .. . 79
- Public benefits resulting from Company's right of trade.—*C. D.* .. . 80
- Company would meet with difficulty in realizing assets if government adverse.—*C. D.* .. 94
- A motive with Court for entertaining terms offered.—*C. D.* .. . 94
- Fear of injury to India from transfer of government to other hands another motive.—*C. D.* 94

Company should retain government of India for term of annuity.—*C. D.* .. page 95
 Term of their political functions distinct question from annuity .. *Grant*, 103, 105
 About fifteen years suggested.—*Grant*, 103
 Better, to be left indefinite.—*Grant* .. 105
 Term of annuity, forty years.—*Grant* .. 105
 Publicity best security for Company's independence under proposed system.—*C. D.* .. 96
 Company mulcted in consequence of their liberality to British public.—*Tucker* .. 115
 They settle in the simplest manner the international trade-account between China, India, and England.—*Tucker* .. 125, 143
 Cannot compete with adventurers in tea market.—*Tucker* 126
 Could supply British consumer with great advantage.—*Tucker* .. 127, 138, 143
 Indian army should vest in Company.—*Tucker*, 128
 Loss and embarrassment to Company by delay in establishing basis of plan.—*Tucker* .. 134
 Loss of authority abroad.—*Tucker* .. 134
 Commercial inconveniences at home.—*Tucker*, 134
 They make little sacrifice in abandoning India trade.—*Tucker* 135
 Proposed to abandon India trade and export trade to China.—*Tucker* 135
 Time and manner of retiring dependent upon their future character.—*Tucker* .. 137
 Company have prosecuted remittance trade partly to support declining manufacturers of India.—*Tucker* 136
 Company consent to administer India under certain conditions.—*C. P.* .. 183
 Guarantee-fund to be extended
 C. P. 183.—*Grant*, 186
 Government of India to be retained for twenty years *C. P.* 183.—*Grant*, 187
 Measures of expenditure to originate with Court of Directors.—*C. P.* 184.—*Grant*, 188
 Power reserved to check Board of Control
 C. P. 184.—*Grant*, 188
 Power to make provision for outstanding obligations and pensions.—*C. P.* 184.—*Grant*, 188

Popular voice has urged government to take China trade, from Company
 Tucker, page 222
 Public opinion on this subject has undergone a change.—*Tucker* ' 222
 Proposal to change Company's title to "India Company," objected to.—*C. D.* .. 328
 Union of commercial and political functions beneficial for interests of India and England.—*Carnac* 397
 But existence of commercial character not essential to exercise of their political functions.—*Carnac* 397
 Company under present Bill to be still the originating intermediate body in which government is vested.—*Carnac* .. 399
 Company might have continued to trade advantageously for interests of India, when deprived of their exclusive trade with China.—*Marjoribanks* 463
 Their Petitions to Parliament against Bill (See PETITIONS) 403, 448
 See also DIRECTORS and PROPRIETORS.

ECCLESIASTICAL ESTABLISHMENT:

His Majesty to have power to appoint suffragan bishops of Madras and Bombay.—*Grant*, 267
 Doubt if extension of episcopal functions required.—*C. D.* 312
 Objections to proposed extension.—*C. D.* 328, 405, 448
 Principle of establishment to provide for religious wants of Company's European agents.—*C. D.* 329
 Expense imposed on natives of India should be limited thereto.—*C. D.* .. 329
 Labour of one bishop not too great.—*C. D.* 329
 No wish officially expressed by local governments for more.—*C. D.* 330
 Extension of episcopal establishment must lead to extension of Scotch in India.—*C. D.* 330
 Mortality in see of Calcutta not attributable to excessive duties of bishop.—*C. D.* ... 330

ECCLESIASTICAL ESTABLISHMENT—*continued.*

- Inconvenience from want of bishop, during vacancy, slight.—*C. D.* . . . page 330
- Successive extensions of episcopal jurisdiction.—*C. D.* . . . 331
- Extension of Indian territory has not added materially to labours of bishop.—*C. D.* . . 331
- If otherwise, relief should not be provided by people of India.—*C. D.* . . . 331
- Great increase of charge for ecclesiastical establishment.—*C. D.* . . . 331
- Impossible to limit expense if two additional sees are created.—*C. D.* . . . 331
- Addition to episcopal establishment of India indispensable (1832)—*Grant* . . 332, 334
- Representations of societies as to its necessity.—*Grant* 333
- Three bishops have sacrificed their lives to overwhelming duties of see.—*Grant* . . 333
- Of ten years, six have been years of vacancy.—*Grant* 333
- Extent of bishop's responsibility.—*Grant*, 334
- Proposed to abolish archdeaconries of Madras and Bombay, and create in lieu two suffragan bishops.—*Grant* 334
- Arrangement deferred (1832).—*Villiers* . . 336
- No objection to addition to episcopal establishment.—*Carnac* 401
- No evidence of necessity of increasing it.—*C. D.* 405, 451

ECONOMY:

See RETRENCHMENT.

ELLENBOROUGH, LORD:

- Conference with Chairs, 12th October 1830 . . i
- His opinion of security for Company's capital stock ii
- His views respecting solvency of territorial revenues iii

ELLICE, RUSSELL, Esq.

- Statement of grounds on which he supported Resolution of Court, 12th August 1832, 479

ELPHINSTONE, M., Esq.

Reference to his sound and practical views re-

garding constitution of Indian governments.

—*Jenkins* page 357His opinion respecting exclusiveness of Haileybury College.—*Jenkins* 388

EUROPEAN OFFICERS:

See OFFICERS.

EUROPEANS:

See BRITISH SUBJECTS.

EXCHANGES:

- Loss on, in remittance, should be a charge on India.—*Grant* 29
- Will probably improve if China trade be opened.—*Grant* 30

EXPENDITURE:

See CHARGES.

F.

FACTORIES in INDIA:—

- Property of the Company, their use and character superseded and altered.—*Grant*, 35
- Silk, in Bengal, serious loss on, if brought to sale at once.—*Tucker* 116
- To be disposed of with as much expedition as consistent with prudence.—*Grant* . . 371
- Dealing with silk-purchasers must be left to discretion of local governments.—*Grant*, 372

FACTORY at CANTON:

- Its removal will be detrimental to British interests.—*C. D.* 7
- Does not furnish an effectual safeguard.—*Grant*, 25
- Future effects on, from increase of country trade.—*Grant* 26
- Possesses more influence with Chinese, and better able to deal with local authorities, than King's functionaries.—*C. D.* 72, 73
- Peculiarly suited to counteract the Hong.—*Tucker* 142
- Instructions to, respecting cessation of trade.—*C. D.* 379

FINANCE:

See CHARGES, RETRENCHMENT, and REVENUES.

FINANCE, COMMITTEE OF, BENGAL :

- Their opinions on constitution of Indian governments page 226, *et seq.*
 Their calculations too sanguine
Metcalfe, 227.—*Bayley*, 236

FORT WILLIAM, COLLEGE OF :

- Its restoration recommended.—*Jenkins* .. 392

G.

GOVERNMENT AND TRADE IN INDIA :

- Ministers not swayed by theoretical ideas of incompatibility of trade and government.—
Grant 17
 Union of, in Company, admitted to be objectionable.—*C. D.* 61
 Source of difficulty in settling compromise.—
Grant 43
 Without commerce, Company might become a mere instrument of Indian minister.—
C. D. 63
 Public benefits resulting from union
C. D. 80.—*Carnac*, 397.—*Marjoribanks*, 463

GOVERNMENT OF INDIA :

EXERCISE OF :

- To remain with the Company.—*Grant* .. 3
 Present system, one of mutual checks.—*C. D.* .. 62
 Proposed plan will disorder that system.—*C. D.* .. 62

- Should continue in Company during term of proposed annuity.—*C. D.* .. 95
 Term suggested, fifteen years.—*Grant* .. 103
 Immediate settlement of all questions relating to, not necessary.—*Jenkins* .. 359

- Proposed changes in constitution of, abroad, an unnecessary departure from principles hitherto sanctioned.—*Marjoribanks* .. 464

- Changes in Supreme Government will add energy to it.—*Tucker* .. 472

- Proposed establishment for.—*Metcalfe* 233
 Expense of.—*Bayley* .. 243

- Should not identify itself with work of converting natives.—*C. D.* .. 329

- Much good done by.—*Tucker* .. 344

- Present policy—one controlling power for emergencies, separate for ordinary circumstances.

—*Jenkins*page 356

- High and independent authorities should exist in each great division of the country.—*Jenkins*, 356

CONSTITUTION OF SUPREME GOVERNMENT :

- Proposed Supreme Government for all India.—

Metcalfe, 226.—*Bayley*, 237.—*Lord Wm. Bentinck*, 249.—*C. D.* 308

- Seat of, at Calcutta?—*Metcalfe*, 234.—*Lord Wm. Bentinck*, 246, 252.—*Tucker*, 343.—
Jenkins, 355

- At Allahabad.—*Lord Wm. Bentinck*, 250.—
Lord Dalhousie, 257

- Should have a subordinate authority resident at Calcutta.—*Lord Wm. Bentinck*, 251.—*Lord Dalhousie*, 257

- Not to be fixed, but moveable to any part of India .. *Metcalfe*, 244.—*Bayley*, 238

- Objections.—*Lord Wm. Bentinck*, 252.—*Lord Dalhousie*, 257

- To have direct management of all political relations.—*Metcalfe*, 234.—*Bayley*, 239.—
Lord Wm. Bentinck, 253

- Relations between it and subordinate governments should be well defined.—*Bayley*, 239.
 —*Lord Wm. Bentinck*, 247.—*C. D.* 308.—
Jenkins, 356

- Local duties of present Supreme Government preclude performance of its more important functions
Lord Wm. Bentinck, 246, 250.—*C. D.* 308

- A government at Calcutta cannot superintend administration of Western Provinces ..
Lord Wm. Bentinck, 246, 252.—*C. D.* 308

- Evils of want of subordination of other presidencies to Supreme Government.—*Lord Wm. Bentinck* 247

- Subordination does exist under present law, —*Jenkins* 356

- Objection to detaching Supreme Government from Presidency.—*Lord Wm. Bentinck*, 249, 250.—*Lord Dalhousie*, 257.—*Tucker*, 343

GOVERNMENT of INDIA, Constitution of Supreme—continued.

- Expediency of more effective control ..
Lord Wm. Bentinck, 249.—*C. D.* 309
- Functions of Supreme Government over subordinate ..
Lord Wm. Bentinck, 251.—*Lord Dalhousie*, 255
- Interference with subordinate governments should not be minute or meddling ..
Lord Wm. Bentinck, 251
- Constitution of Supreme Government might be as it is, or consist of a governor general and a councillor from each presidency.—
Lord Wm. Bentinck, 252.—*Lord Dalhousie*, 257
- Should not possess legislative power ..
Lord Dalhousie, 258.—*Tucker*, 342
- Absolutely necessary that it should legislate for all India.—*Grant* .. 266
- Policy of vesting an efficient control in Supreme Government questioned ..
C. D. 307, 308.—*Tucker*, 342.—*Jenkins*, 356
- Will interfere with control of Home Government.—*C. D.* .. 307
- Will place Supreme Government in position of home authority.—*Tucker* .. 350
- And vest too great power in Governor General.—*C. D.* .. 307
- And add to delay and expense.—*C. D.* .. 308
- And increase duties of Governor General.—*C. D.* .. 308
- And multiply series of appeals.—*C. D.* .. 308
- Addition of three members to Supreme Council unnecessary.—*Tucker* .. 344
- Expense.—*Tucker* .. 350
- Power of Supreme Government over Europeans should be strengthened.—*Tucker*, 345, 346
- Extension of its power of legislation to King's courts salutary.—*Tucker* .. 345
- Objections to.—*Jenkins* .. 362
- Advantage of defined obligation of subordinate governments to obey orders of Supreme Government enforcing orders from home.—*Jenkins* .. 356

Constitution of Indian Government should be subject of a separate Bill.—*Jenkins*, page 359

Minutes on, of Bengal Government, 225, *et seq.*

CONSTITUTION OF SUBORDINATE GOVERNMENTS:

- Existing ;—practicable reductions in.—*Bayley*, 242
- Stickler for independence.—*Lord Wm. Bentinck* .. 247
- Evils of want of subordination in.—*Lord Wm. Bentinck* .. 247
- Proposed .. *Metcalfe*, 226.—*Bayley*, 237
- Their number.—*Metcalfe*, 226.—*Bayley*, 240
- Means of meeting expenses of.—*Metcalfe*, 228
- Should be deprived of power of increasing expenditure.—*Metcalfe*, 229.—*Bayley*, 237, 239.—*C. D.* 309
- Division of political relations among.—*Metcalfe*, 230.—*Bayley*, 239.—*Lord W. Bentinck*, 253
- Seats of.—*Metcalfe* .. 234
- Should be deprived of original authority.—*Bayley* .. 239
- Relations with Supreme Government should be well-defined.—*Bayley*, 239.—*Lord William Bentinck*, 247.—*C. D.* 308
- Should have some share of patronage.—*Bayley*, 239.—*Jenkins*, 357
- Question whether councils can be dispensed with considered.—*Bayley* 240, 242.—*C. D.* 310, 404, 449.—*Tucker*, 342, 344, 472.—*Jenkins*, 358
- Should be left to decision of Court and Board.—*Grant*, 266.—*C. D.* 310.—*Jenkins*, 357
- Establishment of subordinate governments.—*Bayley* .. 242
- Subordinate governors too much reduced by plan.—*C. D.* 307, 404, 449.—*Tucker*, 342, 345.—*Jenkins*, 357, 358
- Objections to subordinate governments being placed under efficient control of Supreme Government ..
C. D. 308.—*Tucker*, 342.—*Jenkins*, 356
- Power of legislation, as well as other functions, should continue to local governments ..
Tucker, 343, 345.—*Jenkins*, 360

CONSTITUTION OF HOME GOVERNMENT:

- Bill involves an unnecessary departure from principles on which government of presidencies hitherto conducted.—*Marjoribanks*, 464
- Policy of Parliament to make it real government of India.—*C. D.* 306
- Counteracted by proposed plan *C. D.* 307.—*Tucker*, 344.—*Jenkins*, 356
- Local governments all hitherto by law subjected to home government.—*C. D.* 307
- Expenditure can only be checked by home government *C. D.* 309.—*Jenkins*, 356

GOVERNOR GENERAL:

- Board to have a *veto* on recall of.—*Grant* .. 4
- Retention of right to recall essential to efficiency of Court.—*Tucker* 127
- Veto* abandoned by Ministers.—*C. D.* .. 187
- His body-guard necessary.—*Metcalfe* .. 227
- Patronage in India to vest in him *Metcalfe*, 234.—*Bayley*, 239
- Would be a dangerous addition to his power.—*Jenkins* 357
- Should be encouraged to continue longer in office.—*Bayley* 238
- Should retain his present power of independent action.—*Bayley* 240
- No diminution of his personal expenses practicable.—*Bayley* 241
- His vast power under proposed plan dangerous. *C. D.* 307, 308, 404, 448.—*Jenkins*, 357, 358.—*Tucker*, 471
- A council rather a burthen to him in his political and controlling character.—*Jenkins*, 361
- Bill will impose additional labour and responsibility on.—*Marjoribanks* 464
- One of the two only powerful functionaries of Indian administration.—*Tucker* 471

GRANT, Rt. Hon. CHARLES:

- Conversation between him and the Chairs, 7th July 1831 viii
- His remarks on the alleged unwillingness of the Company to give, or their disposition to withhold, information viii, x

- Recommends a petition page ix
- The Company expected to show grounds for renewal of Charter x
- Admits that, in a new arrangement, the Company should have adequate means of fulfilling the obligations imposed upon them, and that the proprietors should be sufficiently secured x
- He is compelled to take a more leading part in the inquiry than is expedient for a minister xi
- Letter from, to the Chairman, 17th December 1832, with reference to course to be pursued, with Paper of Hints 2
- Letter from, to the Chairs, 12th February 1833 14
- Of the disposal of the Company's Trade, and of their future political functions .. 15
- An advantageous system of trade with the East, important to British India as well as to England 15
- A just and benignant system of Indian administration important to our national honour and our commercial interests .. 15
- The Company's administration has secured to India so considerable a measure of good government, that Ministers would not be justified in lightly proposing to alter it essentially 16
- The preservation of the system recommended on the score of the patronage 16
- The commercial system of the Company, though necessary heretofore, inexpedient at the present day 16
- Their trade with India has virtually ceased 17
- Their mercantile transactions, for purpose of remittance, should cease 17
- The only question touching their commerce must relate to China trade 17
- The question one of great delicacy and importance 17
- The established system assailed and defended by strong arguments 17

RANT, Rt. Hon. CHARLES—*continued.*

The interests of the nation best consulted by
 • abolishing exclusive privilege, page 17, 52
 The funds requisite to meet Indian expen-
 • diture must be sought and will be found in
 resources of India, and may be remitted in
 the usual channels of commerce .. 18, 30
 Materials for judgment on the question are
 before the public 19
 • Arguments in favour of existing system are
 obsolete, or overpowered by probable con-
 tingencies, or are warnings and suggestions
 rather than objections 19
 Opening of China trade a question of time
 and circumstance 19
 Exclusive privilege not an ultimate object,
 but a mean to an end 19
 It has been gradually relaxed, and circum-
 stances have been long conspiring to prepare
 • for its entire removal 19
 Government would be criminal in yielding to
 groundless expectations or interested cla-
 mour 20
 The absolute necessity of some mitigation
 of our commercial code forced on thinking
 and practical men 20
 Continuance of restrictions on China trade
 justifiable on strongest grounds only 20
 Extent and benefit of this trade will be in
 proportion to opening afforded to capital
 and adventure 20
 The enlarged sphere of commercial trans-
 actions, at the present day, renders exclu-
 sion of British traders from China injurious
 to the continuity of operations essential to
 prosperity of our foreign trade .. 21
 Argument, derived from the improbability of
 an increased demand for British manufac-
 tures in China, practically refuted by the
 fate of a parallel argument in 1813 21
 Plan of government not founded on the expec-
 tation of a prodigious or instantaneous in-
 crease in the demand in China .. 22
 The expected deterioration of tea, by admi-

sion of private adventure, will be counter-
 acted by rivalry of dealers .. page 22
 Argument drawn from jeopardy of the reve-
 nue on tea, serious but not decisive 23
 Surplus profit the only fund out of which
 revenue can for a continuance be drawn, 23
 Opening of China trade likely to extend that
 between China and India, and to facilitate
 remittances to England .. 23, 30
 Commercial dealings of the three countries
 closely connected 23
 Peculiar nature of tea-trade calculated to
 give new scope to productive industry of
 Britain 24
 Supposing trade opened, a chief and council,
 appointed by the Crown, would be stationed
 in China to supervise British subjects resort-
 ing thither 24
 Argument that open trade would hazard our
 relations with China, insufficient to warrant
 continuance of restrictions 24
 But events have occurred during the present
 charter, to elucidate this point .. 24
 Government do not despair of combating
 those hazards by regulations, aided by the
 influence of mutual interest .. 25
 Doubtful whether the present system fur-
 nishes an effectual safeguard .. 25
 The increase of the country trade (already
 larger than the Company's export) must
 influence the relative position of the free-
 traders and the Company's establishment, 26
 Division of British residents in China into
 two distinct classes must hereafter add to
 the embarrassments between British and
 natives 26
 Our position in China, under present system,
 far from secure 27
 Some official independent authority, at Can-
 ton, might be indispensable if exclusive
 privilege were continued 27
 Weight of objection, that cessation of exclu-
 sive privilege would stop a safe channel of
 remittance, and a resource to Indian finances,

- depends on possibility or otherwise of finding other means less onerous to England, page 28
- India must not lean on England for financial aid 28
- This question materially altered since 1813, 28
- Under a system of free trade, means of remittance will be facilitated 29, 30
- Question of remittance no necessary connexion with deficiency of Indian revenue, 29
- That China trade has discharged cost of remittance and supplied deficiency of revenue, not denied 29
- Effected by surplus profits of trade, constituting a tax on England 29
- Improvement in exchange probable, under a system of free trade 30
- Advantage in exchange given to territory, ought to be a charge borne by India 30
- A past deficit of territorial funds no proof of future deficit 30
- Resource found in surplus profits has tended to create deficiency of revenue .. 30, 48
- Measures of economy might have obviated necessity of resorting to extraneous succour 31
- Government plan will not impose any new burthen on Indian resources .. 31
- Application of Company's property to purchase of an annuity, by redemption of territorial debt, will improve those resources 31
- Revenue of India competent to answer all just demands 31
- Mode of effecting new arrangement .. 33
- The security for the dividend sufficient 33
- Claims of the Company cannot reach beyond their property and the territorial revenues 33
- The security advantageous to India, and no expense to England 34
- Plan knits Proprietors to Directors, and identifies their interests with those of India 34
- It does not involve the abolition of the Company, but places them on a firmer basis page 34
- Privilege of trading restricted, because inconsistent with political power .. 34
- Company's property surrendered for an equivalent 34
- The arrangement not compulsory .. 35
- Government desirous to retain the agency of the Company 35
- The amount of the surrender—What? .. 35
- China monopoly 35
- Right of British subjects to trade .. 35
- Factories and settlements 35
- Relinquishment of trade 35
- Rights in property 36
- These rights involved in doubt and entanglement 36, 37, 39
- Basis of arrangement a compromise between territory and commerce 36
- Litigation incompatible with political functions, and injurious to interests of the Company 36
- Compromise a preferable mode .. 37
- Statement of commercial property claimed by the Company 38
- Debt due from territory 39
- Bond Debt 39
- Rights and privileges claimed in India 39
- Origin of debts and assets liable to questions of law 40
- Whether increase of commercial assets from commercial profits, legal? 40
- Whether commercial assets not liable to territorial debts? 41
- Territory and public creditor interested in compromise 42, 43
- The compensation tendered—What? .. 43
- Difficulty arising from confusion of functions in Company's system 43
- A practical rule of demarcation between two branches necessary 43
- The rule laid down in last charter acts 44
- A general conformity to the principle of those acts practicable 45

GRANT, Rt. Hon. CHARLES—*continued.*

Distinction between the objects of acts of 1793 and 1813	page 45
Principle of appropriation same in both	45
Commercial profits to be employed, first for security of dividends, next for benefit of territory	46
Same principles observed in present arrangement	46
Justice done to proprietors by continuing their dividend	47
Justice done to territory by assignment of commercial assets	47
The principle advantageous to all parties	47
Proprietor's dividend secured on Indian revenues	47
Not entitled to claim security on national stock	48
Territory of India essentially solvent	48
Security of China trade not certain	48
Guarantee fund of twelve millions, under past acts, never formed	49
Intended arrangement gives proprietors security proposed by that fund	49
Ultimate share in residue of commercial profits visionary	49
Essential, under proposed plan, that Proprietors shall be linked to interests of India	50
The territorial interests promoted by compromise	50
India released from contingent liabilities	50
It gains the commercial capital of the Company	51
It is released from various claims	51
The territorial creditors obtain specific advantages	51
A national recognition of their lien on territory	51
A release from doubts as to their rights	51
A claim on the commercial property	51
And on general funds and revenues of India	51
Terms offered by Ministers are rejected, they will propose a plan of government for India without the instrumentality of the Company	page 53
Letter from, to Chairs, 19th Feb. 1833	55
Relinquishment by Company of Corporation Charter no part of government plan	55
Their right to trade should be in abeyance to enable them to exercise their political functions efficiently	55
Opening of China trade will induce them to desist from exercise of right	55
Whole of Company's assets to be assigned, 56	
Money originally subscribed does not exist in separate form	56
Term of annuity open to discussion	56
Letter from, to Chairs, 14th March 1833	82
Court's apprehensions of weakness and dependence refuted	83
Intention of Ministers that Court and Board shall retain same comparative power and relative position as at present	83
Present importance of Company, as part of machinery of Indian administration, will be preserved	83
Court's objections to Board's power of sending despatches considered	84
Right of appeal and rule of publicity	84
Provision may be made for trying legality of an order disputed by Court	84
Despatches transmitted by Court not to be signed by Directors	85
In default of Court transmitting despatches, Board may order Court's officer to transmit them	85
No appeal on merits, or express provision for communication of differences to Parliament, admissible	85
Court's objection to Board's power over all salaries, &c. considered	85
Payments out of territorial revenue must be under Board's control	86
Cannot operate to disparagement of Company	86
A specified sum may be set apart for home establishment under immediate control of Court	86

Security of proposed annuity on territory only considered page 86	Interests of officers and servants of Company who will suffer by change .. . page 106
No moral or honorary obligation on Company to postpone dividends to current demands, .. 87	Letter from, to Chairs, 25th March 1833 .. 109
Enactment proposed 87	Union of interests of Proprietors with those of India, for benefit of India .. . 110
A large security in national stock would sacrifice great principle of identifying interests of Proprietors with those of Indian territory 87	Therefore no abandonment of principle to make the term of political authority shorter than that of annuity 110
Proposed to invest £1,200,000 as guarantee-fund for capital and redemption of annuity, .. 87	Letter from, to Chairs, 27th May 1833 .. 185
Fund to accumulate to £12,000,000 .. 88	Sentiments of Ministers on Resolutions of Court of Proprietors 185
Subsequent accumulations to be applied to territory 88	Ministers are desirous to accommodate themselves to views and feelings of the Company, .. 186
Company for this purpose may avail themselves of the debt due to them from public, .. 88	Partial injury to plan in modification proposed by Proprietors, compensated by advantage of harmony 186
Recommendations of this expedient .. 89	Ministers prefer to fix guarantee-fund at £2,000,000 186
Importance of economy in Indian administration appreciated by Ministers .. 89	They propose that dividends should have preference of all territorial payments .. 186
Arrangements necessary for diminishing expenditure 89	Guarantee-fund may, in case of emergency, be available for dividend 186
Provision for outstanding commercial obligations and pensions considered .. 90	They are prepared to recommend that term of government be twenty years .. 187
Government take assignment of Company's property with all its obligations .. 90	They abandon <i>veto</i> on recall of Governors and Commanders-in-chief 187
Education for Civil Service, a point for consideration 90	They agree that, at expiration of term of government, Proprietors shall have option of being paid off at rate of £100 for every £5. 5s. of annuity 188
Letter from, to Mr. Ravenshaw, 16th March 1833 102	The Company, at end of the period, may resume right to trade 188
Letter from, to Chairs, 21st March 1833, 104	Ministers agree to maintenance of principle of existing law respecting measures involving expenditure 188
Declines re-entering at present upon topics of preceding letters 104	They see no objectionable plan for introduction of check of publicity .. 188
Declines re-opening consideration of guarantee fund 104	No objection to Company being enabled to provide for outstanding obligations and pensions 188
Duration of annuity a subject of negotiation, —forty years agreed to 105	Letter from, to Chairs, 4th June 1833 .. 195
Company's political functions a separate consideration—fifteen years suggested .. 105	An accumulated fund of £6,000,000 or £8,000,000 sufficient for guarantee .. 196
Appeals in respect to old pecuniary claims to be referred to some independent authority, .. 106	

GRANT, Rt. Hon. CHARLES—*continued*.

Proprietors sufficiently protected whether paid off before or after fund reaches £12,000,000,	page 197
As to publicity, Court will have power of petitioning Parliament	198
Letter from, to Chairs, 11th June 1833	223
Resolution of Court of Proprietors	223
Letter from, to Chairs, 24th June 1833	259
Summary of principal provisions of Bill	259
Letter from, to Chairs, 27th June 1833	264
Ministers will not propose reduction of number of Directors	265
Nor recommend any material alteration in law regulating constitution of Court	265
Question whether subordinate presidencies of India should have councils, to be reserved for decision of Court and Board	266
Absolutely necessary that Supreme Government should legislate for all India	266
Directors to nominate four times as many candidates for admission at Haileybury as servants required for India, and a selection on examination to be made	267
Two suffragan bishops to be appointed by the King for Madras and Bombay	267
Letter from, to Chairs, 29th June 1833	269
Copy of Bill	269
Letter from, to Chairs, 12th June 1832	332
State of episcopal church in India	332
Some provision necessary to relieve bishop of Calcutta	332
Memorandum of suggestions	332
Memorandum relating to ecclesiastical establishments of India, 12th June 1832	333
Representations by societies of necessity of enlarging the establishment	333
Magnitude of see too great for a single incumbent	333
Three bishops sacrificed their lives in performance of its overwhelming duties	333
In ten years, six years of vacancy	333
Responsibility of bishop	334

Some mode of relief for bishop indispensable,
page 334

Abolition of archdeacons of Madras and Bombay, and appointment of two suffragan bishops instead, proposed	334
Letter from, to Chairs 13th July 1833	371
Company should proceed with no more contracts	371
Purchase of silk may continue for 1834	371
Factories to be disposed of with as much expedition as consistent with prudence	371
To be understood less with reference to pecuniary interests of Company than to those of producers and manufacturers in England	371
Silk growers must not be suddenly deserted	371
Letter from, to Chairs, 13th July 1833	372
Court's observations on bill	372
Letter from, to Chairs, 13th July 1833	373
Maritime service	373
Letter from, to Chairs, 25th July 1833	395
Declines to delay progress of bill	395
Letter from, to Chairs, 25th July 1833	396
St. Helena establishment	396
Letter from, to Chairs, 12th Aug. 1833	490
Postponement of bill in House of Lords	490
Letter from, to Chairs, 13th Aug. 1833	491
Expense of Chinese seamen	491
Duty on ships and goods to be levied in China	491
Letter from, to Chairman, 14th Aug. 1833	495
Error in copy of Bill	495

GRANT, ROBERT, Esq.:

His opinion on education of civil servants.— <i>Jenkins</i>	388
--	-----

GRATUITIES:

To be in future under control of Board	..
<i>Grant</i> , 4, 85.— <i>C. D.</i> 97, 455.— <i>Tucker</i> , 128	

GREY, EARL:

Conversation between, and Chairs, 7th July 1831,	viii
Letter to, from Chairs, 3d Jan. 1833	10

GUARANTEE-FUND:

The fund of £12,000,000, under Acts of 1793

and 1813, never formed.—*Grant*, page 49

A collateral security to Proprietors of Stock not inconsistent with the principle of proposed plan, or views of Parliament on subject of a guarantee-fund.—*C. D.* 79

Proposed fund to be formed of, £1,200,000 from commercial assets, to accumulate to £12,000,000, for security of capital.—*Grant*, 87

Application of its subsequent accumulations, 88

Proposal, that the basis of the fund be £3,000,000, negatived in Secret Committee, 92

Fund should apply to dividend as well as capital *C. D.* 95

The proposal declined.—*Grant* .. 104

Resolution respecting.—*C. P.* .. 183

Agreed to by Ministers.—*Grant* .. 186

Proposal to add £891,000 three per cent. stock standing in Company's name.—*C. D.* .. 95

The proposal declined.—*Grant* .. 104

£2,000,000 insufficient.—*Tucker* .. 114

Ministers agree to fix the amount at £2,000,000.—*Grant* 186

Its extension to £3,000,000, or annuity to be irredeemable till fund has accumulated to £12,000,000, urged.—*C. D.* .. 192

An accumulated fund of £8,000,000, or even £6,000,000, sufficient for its purpose.—*Grant* 196

Amount proposed by Ministers agreed to.—*C. D.* 200

Proprietors are entitled to £3,000,000, instead of £2,000,000, as security for capital stock, *Marjoribanks*, 209, 463.—*Tucker*, 218

On emergency may be available for dividend.—*Grant* 187

Period at which it is expected to reach maximum should have reference to term of annuity and of political authority.—*Tucker*, 218

H.

HAILEYBURY COLLEGE:

See CIVIL SERVANTS.

HEBER, BISHOP:

Sunk under labour of his primary visitation.—

Grant page 332

Sacrificed his life in performance of overwhelming duties of his see.—*Grant* .. 333

His death not attributable to excessive duties of episcopal office.—*C. D.* .. 330

HILL, DAVID, Esq.

His observations on tendency of separation of

Indian army to cause unnecessary increase of force.—*Metcalf* .. 226

His objection to a fourth Presidency.—*Bayley*, 241

HINDUS:

See INDIA, NATIVES of.

HINDUSTAN, UPPER:

Proposal to create a fourth Presidency there, considered.—*Metcalf*, 226.—*Bayley*, 241.

—*Lord Wm. Bentinck*, 249.—*C. D.* 309, 404, 450.—*Tucker*, 341.—*Jenkins*, 354

Should be seat of Bengal Presidency.—*Lord Wm. Bentinck* 250

At Allahabad.—*Lord Wm. Bentinck* 250

At Agra.—*Tucker* 341

Sketch of Salaries and establishment for fourth Presidency.—*Tucker* 351

Might be in charge of a lieutenant-governor or resident .. *Jenkins*, 355.—*Carnac*, 402

Government at Agra should be an efficient substantive one.—*Carnac* 401

HINTS, MEMORANDUM of:

Containing an outline of leading points of proposed arrangement.—*Grant* .. 3

HOME CHARGES:

See CHARGES.

— ESTABLISHMENT:

Control of, improperly given to Board by proposed plan.—*C. D.* 64

HOME ESTABLISHMENT—continued.

- Board's control inseparable from their functions in respect to Indian revenue.—*Grant*, page 86
- A specific sum may be placed in hands of Court for charges of establishment.—*Grant* 86
- *This proposal satisfactory.—*C. D.* 98

HONG, at CANTON :

- A monopoly which can only be met or opposed by a similar agency.—*Tucker* . . 139, 142
- British merchant will be, in great measure, at mercy of.—*Tucker* 139

I.**IMPROVEMENTS :**

- Governments of India have only been backward in attempts to force them.—*Jenkins* 361

INDIA, BRITISH :

- Nearly the whole added to British Crown by Company.—*C. D.* 9
- A just and benignant system of administration most important to our national honour.—*Grant* 15
- Has gained from Company's administration a considerable measure of advantages of good government.—*Grant* 16
- Its prospects likely to be enhanced by opening trade with China.—*Grant* 23
- An abundant demand for British staples in.—*Grant* 23
- A corresponding return might be furnished through the China trade.—*Grant* 23
- India not to lean habitually on England for financial aid.—*Grant* 28, 29
- Affords pledges that its revenue will be competent to answer all just demands.—*Grant*, 31
- Its financial condition will improve.—*Grant*, 32
- Financial advantages of proposed plan to India.—*Grant* 34, 89
- Plan will furnish stronger securities for its good government.—*Grant* 34, 111
- British subjects have right to trade with.—*Grant*, 35

- Obligation of Company to people of India felt by them to be paramount.—*C. D.* page 60
- Their first object the welfare of India.—*C. D.* 60
- Sole object of Ministers in proposed plan, welfare of India.—*Grant* 266
- India entitled to surplus on reduction of charges.—*C. D.* 66
- Has been kept poor through her connexion with England.—*C. D.* 66
- Vital spring of its government is in England.—*C. D.* 67
- Fear of injuring India from transfer of government to other hands inducement to Court to entertain terms offered by Ministers *C. D.* 94.—*Tucker*, 477
- Recent insurrections in India.—*Tucker* . . 123
- Our position there has assumed a new aspect.—*Tucker* 123
- Our inquiries into titles to land and our degradation of the aristocracy have created distrust and alarm.—*Tucker* 124
- India has a large balance due from China, which is settled through Company's China trade.—*Tucker* 125
- People of India might suffer if Company flew off from proposed plan.—*Tucker* 130
- One of Company's objects in continuing India trade was to support declining manufactures of India.—*Tucker* 136
- Cheap labour of India cannot compete with British machinery.—*Tucker* 136
- Legislature has not extended equal protection to manufactures of India.—*Tucker* . . 136,
- Held by us by tenure of our military force *Metcalf*, 233.—*Bayley*, 246
- Its condition affords no reasonable ground of apprehension.—*Bayley* 245
- Policy enjoined by Parliament to maintain India in strict dependency on Great Britain.—*C. D.* 306
- Unsafe to frame laws in England for India.—*Tucker* 348
- Advantages derived by India from union of

government and trade in Company.—*Mar-joribanks* page 462

Bill will impose additional charges on India without conferring adequate benefit.—*Mar-joribanks* 464

India will sustain a heavy loss by sudden suppression of Company's China trade.—*Tucker*, 470

Proposal to equalize duties on its products in England.—*C. D.* 492

INDIA, WESTERN and CENTRAL:

Martial character of its inhabitants.—*Tucker*, 124

Our provinces there unsettled.—*Tucker* .. 125

See also GOVERNMENT, REVENUE, TERRITORY, &c.

INDIA, NATIVES of:

Pressure of Government demands on.—*C. D.* 6

Cheapness of tea under open trade would be acquired at their expense.—*C. D.* .. 7

An advantageous system of trade with the East material to their well-being.—*Grant* 15

Obligations of Company towards them.—*C. D.* 60

Their welfare the Company's first object.—*C. D.* 60, 64

Their welfare the sole object of Ministers in plan proposed.—*Grant* 266

Not safe to employ them alone, at present, generally, in offices of trust.—*Tucker* .. 122

Their more extensive employment in accordance with Court's views.—*C. D.* .. 306

Enactment of admission to office would produce injury to them rather than benefit.—*Jenkins* 361

They are advancing in knowledge.—*Tucker*, 123

Discussions in England, respecting their religious observances, have produced uncasiness amongst them.—*Tucker* .. 123

Their character.—*Tucker* 124

They have just and serious causes of dissatisfaction in our maxims of rule.—*Bayley*, 245

If not our zealous supporters, they are not our bitter enemies.—*Bayley* .. , page 246

Should be protected against effects of admission of Europeans into interior of India.—*C. D.* 306.—*Tucker* 474

Natives, in interior, should not be brought within jurisdiction of Supreme Court.—*C. D.* 306

Improvement of their condition, without violence to caste or property, desirable.—*C. D.* 306

Should not be taxed unnecessarily for a Christian church establishment.—*C. D.* 329, 331

Or for support of Missionaries to convert them.—*C. D.* 329

Objection to their introduction into Supreme Council.—*Tucker* 345

Native landholders must be gradually superseded by general permission for Europeans to hold land in India.—*Tucker* 348, 473

National distinctions between, a main ingredient of our strength.—*Jenkins* .. 360

They enjoy a system better suited to them than inhabitants of any part of the world.—*Jenkins* 361

Bad effects of unrestrained influx of Europeans amongst.—*Tucker* 474

INDIA TRADE:

OF THE COMPANY:

Prosecuted as one purely of remittance and obligatory by necessities of territory.—*C. D.* vi

Has much declined or rather is virtually extinct.—*Grant* 17

A total cessation of remittance-trade desirable, considered in its practical effects on Company's political character.—*Grant* .. 17

Vindication of remittance-trade.—*Tucker*, 136

Not privileged and therefore may be left to its fate.—*Grant* 17

Its restrictions have been gradually relaxed.—*Grant* 19

Admitted to be liable to objection.—*C. D.* 61.—*Tucker*, 116, 125

INDIA TRADE of the Company—*continued.*

Company make little sacrifice in abandoning it.—*Tucker* 135

Apparent loss of this trade arises from extrinsic circumstances.—*Tucker* .. 136

OF PRIVATE MERCHANTS :

Result of open trade practically refutes argument against improbability of increased demand for British goods in China.—*Grant*, 21

Ratio of increase in value of British manufactures exported in open trade not greater than in exclusive trade.—*C. D.* .. 69

Increase of exports of Cotton manufactures, consequence of machinery.—*C. D.* .. 69

Working of India free trade affords no argument for opening China trade.—*C. D.* 70

COUNTRY TRADE with CHINA :

Likely to be considerably extended by open trade with China.—*Grant* 23

Will increase from discontinuance of Company's exports of British manufactures *C. D.* 70

In proportion as it extends, prospects of India and its value as a customer to England enhanced.—*Grant* 23

Its amount.—*Grant* 25

Amount stated by Mr. Grant from defective account.—*C. D.* 70

Its future effects on relative position of free traders and Company's factory.—*Grant*, 25

China trade must take the course principally of a remittance trade from India.—*C. D.* 70

Drafts upon India most advantageous mode of placing funds in China.—*C. D.* .. 70

Its increase to be traced to growth of illicit opium trade.—*C. D.* 71

INDIAN GOVERNMENTS :

Correspondence relating to constitution of, 225
Minute by Sir C. T. Metcalfe (see METCALFE) 225

Minute by Mr. Bayley (see BAYLEY) 235

Minute by Governor General (see BENTINCK) 246

Minute by Commander-in-chief (see DALHOUSIE) 254

Correspondence too long withheld from Court of Directors ... *Tucker*, 341.—*Jenkins*, 353
See also GOVERNMENT.

INDIAN NAVY.

See NAVY, INDIAN.

INDIGO :

May furnish a supply for annual remittance of two millions to England.—*Tucker* .. 125

Last Contract of Company for.—*C. D.* .. 374

INQUIRY, COMMISSION of, to INDIA.

See COMMISSION.

INSURRECTIONS :

Recent in India.—*Tucker* .. 123

JAMES, BISHOP :

His death not attributable to excessive duties of episcopal office.—*C. D.* .. 330

Held see for seven months only.—*C. D.* ... 333

JAPAN :

No security for person and property (a condition essential to doctrine of free trade) in.—*Tucker* 219

Causes of our failure to trade with, when we possessed Java.—*Tucker* 220

JENKINS, RICHARD, Esq.

Dissent from letter to Mr. Grant, 2d July 1833, 353

Concurrence in its general views and sentiments 353

Delay in laying before Court minutes of Supreme Government on constitution of Indian governments 353

Division of Bengal Presidency considered, 354
Calcutta proper seat of Supreme Government, 355

Powers of Supreme Government .. 355

Advantage of a defined obligation in subordinate governments to obey orders of Supreme Government 356

But only to enforce orders from home .. 356

Check from home on improper expenditure of Supreme Government should be applied as at present 356

In wars and politics, local authority should concentrate in Supreme Government .. page 356

No want, at present, of a controlling authority in Supreme Government .. 356

Should be a high and independent authority in every great division of the country 356

Chief appointments vesting in Governor General would further weaken local governments, 357

Necessity of a strong Supreme Government in India, absolute in time of danger, .. 357

But proposed powers too great .. 357

Objection to removal of local councils .. 358

Dependency of Court on Board, implied in letter of Chairs, denied .. 359

Constitution of Indian government should be subject of separate bill .. 359

Immediate settlement of every question not indispensable to compromise .. 359

Decision of some points should be left to Parliament .. 360

If local councils are continued, should be no separate Supreme Council .. 360

In particular cases, councils *pro hac vice* might be formed .. 360

Attempt at uniformity of a code for natives of India objectionable .. 360, 362

If we succeeded we should lose India .. 360

More justice done to India by leaving power of legislation to local governments .. 360

They have been backward only in endeavouring to force improvements .. 361

Impolicy of endeavouring to eradicate national distinctions amongst natives .. 360

They enjoy a system better suited to them than any other people .. 361

Admission of natives to office should be a moral pretension, not a legal right .. 361

Authoritative abolition of slavery most dangerous in actual state of India .. 361

A council would be a burthen to Governor General in his political and controlling capacity .. 361

Power vested in Governor General to bind all persons and Courts questionable, page 361

Doubtful if any local legislation would work well .. 362

Independent exercise of King's Courts desirable .. 362

Parliament might easily define their jurisdiction .. 362

Governor General might be empowered to stop their acts, pending reference home .. 362

Judicial Commission and Supreme Legislative Council unnecessary .. 362

Deportation without sentence of court of law, necessary to be allowed .. 363

One Commander-in-chief for all the armies, open to objection .. 363

Dissent from Paper of Observations and Suggestions respecting Haileybury .. 386

An appropriate education of civil servants not to be found elsewhere .. 386

Must be a peculiar system of education for Indian Civil service .. 387

Objections to the College answered .. 388

Expense of the College considered 390, 391

India must bear a portion of expense of educating for its service .. 390

Restoration of College of Fort William, or similar institution, recommended .. 392

Statement of the grounds on which he supported resolution of Court, 12th Aug. 1833, 479

JUDGES, KING'S:

See COURTS, KING'S.

JUDICIAL ESTABLISHMENT:

See JUSTICE, COURTS of.

SYSTEM:

See LAW.

JUSTICE, COURTS of:

Amalgamation of all, in India recommended.—
Metcalf .. 234.
 Mr. Mackenzie's proposal to vest local subordinate governments with power of interference with Sudder Courts objected to.—
Bayley .. 244

K.

KHOLE INSURRECTION:

New and peculiar.—*Tucker* .. page 123

L.

LAND in INDIA:

Inquiries into titles to, have created disgust and alarm.—*Tucker* .. 124

General permission to Europeans to hold land in India must tend gradually to supersede native landholders.—*Tucker* .. 348, 474

LAW:

Uniformity of, in India, desirable whenever practicable

C. D. 306.—*Tucker*, 348.—*Carnac*, 401.

Doubtful if it be yet practicable

C. D. 306.—*Tucker*, 348

Objections thereto.—*Jenkins* .. 360

If accomplished, we should not keep India a day.—*Jenkins* .. 360

Uniformity in general spirit of laws now attended to.—*Jenkins* .. 361

Difficulty of framing a code applicable to Christians, Mahomedans, and Hindus, insuperable.—*Tucker* .. 475

Law in India should be clearly defined.—*Carnac* .. 401

English law not suited to India.—*Tucker*, 349, 350

Too much attempted already.—*Tucker* .. 349

Its introduction would be a great evil to India.—*Tucker* .. 472

LAWFORD, Edward, Esq.

Letter to Mr. Auber, 29th July 1833, reporting fate of Company's petition to the House of Commons .. 406

Correspondence between and Mr. Carter, respecting passing of East-India Bill and China Trade Bill .. 502—504

LAWYERS, ENGLISH:

Not fit to conduct inquiry into Judicial System of India.—*Tucker* .. 349

Bill opens a door to their influx into India.—*Tucker* .. 472

Evils of their influx there.—*Tucker* .. 473

LEGISLATIVE COUNCILS:

See COUNCILS,

LOANS, INDIAN:

Reasons of artificial value of the stock in India explained.—*Tucker* .. page 120

LUCKNOW BANKERS:

Case of, exemplifying danger of not adopting rule of publicity.—*Marjoribanks* .. 209

LUSHINGTON, J. L. Esq.**LYALL, GEORGE, Esq.**

Statement of the grounds on which they supported Court's Resolution, 12th Aug. 1833, 479

M.

MACKENZIE, HOLT, Esq.

Proposes to deprive subordinate governments of power to increase expenditure.—*Metcalfe*, 229, 239

His proposal to vest those governments with power to interfere with Sudder Courts objected to.—*Bayley* .. 244

MALTHUS, PROFESSOR:

His opinion respecting Haileybury College.—*Jenkins* .. 389

MANAGEMENT of GOODS:

Of free trade imports, might be means of providing for a large portion of Company's present commercial establishment.—*C. D.* 99

MANUFACTURES of INDIA:

Their support one of the objects of Company's India trade.—*Tucker* .. 136

Cannot compete with British machinery.—*Tucker* .. 136

Legislature has not extended to them equal protection.—*Tucker* .. 136

, BRITISH:

See BRITISH MANUFACTURES.

MARITIME SERVICE of COMPANY:

Letter of officers to Court, respecting compensation under bill .. 364

Alteration in compensation clause suggested.—	
<i>C. D.</i>	page 369
Clause altered— <i>Grant</i>	375

MARJORIBANKS, C., Esq.

Joint Dissent with Mr. Wigram from Court's Resolution of 7th June 1833 ..	208
Proprietors entitled to a guarantee-fund for capital of £3,000,000 instead of £2,000,000, ..	209
Legislative provision for publicity in cases of difference between Board and Court indispensable to independence of Company and good government of India ..	209
Ministers may refuse production of papers to Parliament	209
Position confirmed by papers relating to claims of British subjects on native princes of India, ..	209
And to writ of <i>mandamus</i> , in affair of Palmer and Co., Hyderabad	210
The means of getting the matter of a despatch, on which extreme difference of opinion exists, before public, will cease ..	211
Joint Dissent with Mr. Wigram from Court's Resolution of 12th Aug. 1833 ..	462
Union of trade and government considered system best calculated to preserve our rule in India, and secure greatest benefits to both countries	462
Deprived of exclusive China trade, Company might have continued to trade with great advantage	463
The points on which the consent to abeyance of Charter based, have not been conceded, ..	464
Change in constitution of local governments of India an unnecessary departure from principles hitherto sanctioned ..	464
Bill will create additional charge on India without conferring any adequate benefit, ..	464
Remittances will be effected with great loss to Indian finances	464
Realization and application of assets under Bill prejudicial to the property ..	464

Court, under the Bill, a mere instrument to give effect to acts of Board ..	page 465
And a useless charge on revenue of India, ..	465

Ministers should have openly and avowedly assumed direct administration of India, ..	465
Declines recommending confirmation of compromise	465

MASTERMAN, JOHN, Esq.

Paper concurring in Court's Resolution of 7th June 1833	216
Statement of grounds on which he supported Court's Resolution of 12th Aug. 1833, ..	479

MELVILLE, LORD (the late):

His statement respecting the property claimed by the Company in their own right.— <i>C. D. v</i>	
--	--

MEMORANDUM OF HINTS ..

METCALFE, SIR C. T.

Minute on the Constitution of the Indian Governments	225
Exigency of a supreme government for India, divested of details of local administration, ..	226
Armies of three presidencies should be placed under one head	226
Tendency of separation to produce unnecessary increase of force	226
Gradual union of civil establishments of three presidencies	226
Subordinate governments proposed ..	226
Suggestions for reducing their expense, ..	227
Should be deprived of power of increasing expenditure	229
Division of political relations among them, ..	230
These relations should be under immediate control of Supreme Government alone, ..	230
Exceptions	230
Reduction of army impolitic and dangerous, ..	231
We hold India by tenure of military force, ..	233
We should in peace maintain the largest army we can afford to pay	233

METCALFE, Sir C. T.—continued.

Proposed establishment for Government of India	page 233
Seats of proposed governments and legislative council	234
Patronage to be vested in Governor General,	234
Amalgamation of judicial courts	234
Supreme court of appeal	234
Appeal to King in Council should be abolished,	234
Unnecessary publicity given to subjects under deliberation of Government	235

MIDDLETON, BISHOP :

His death not attributable to excessive duties of episcopal office.— <i>C. D.</i>	330
Died before he could complete inspection of his diocese.— <i>Grant</i>	333

MINISTERS :

Have shewn a readiness to acquiesce in just pretensions of Company.— <i>Tucker</i> , 218, 221	
Should have openly and avowedly assumed the direct administration of India.— <i>Marjoribanks</i>	465
See also EAST-INDIA COMPANY; DIRECTORS, COURT OF; GRANT, &c.	

MISSIONS in INDIA :

Not right to tax natives of India for support of missions to convert them.— <i>C. D.</i>	329
Object of missions would be retarded by being identified with Government.— <i>C. D.</i>	329

MUSPRATT, J. P. Esq.

Statement of grounds on which he supported Court's Resolution of 12th Aug. 1833	479
---	-----

N.**NATIVES of INDIA :**

See INDIA, NATIVES of.	
------------------------	--

NAVY, INDIAN :

Removal of its head-quarters from Bombay to Calcutta proposed.— <i>Metcalfe</i>	229
A pet establishment at Bombay.— <i>Metcalfe</i> .	230

NOZEED, ZEMINDAR of :

Case of, referred to.— <i>Marjoribanks</i>	page 210
--	----------

O.**OBSERVATIONS and SUGGESTIONS of COURT on the BILL ;**

Paper of	317
Company should be relieved from provisions of Commutation Act	318
Company should have power to transfer commercial servants in China to civil service of India	319
Distinct enactment for remittance of funds for territorial charges at home suggested	320
Mode of appropriating commercial assets to territory	321
Local patronage of India should be vested in Governor General without home interference	326
Question of slavery should be left to Governor General in Council	327
Unnecessary and inexpedient to maintain Hailbury College	327
Change of title from "East-India Company" to "India Company" noticed	328
Transfer of St. Helena establishment to Crown suggested	328

OFFICERS, EUROPEAN, in INDIA :

Their temper far from satisfactory.— <i>Tucker</i> ,	122
Mr. Bax's suggestion that we should discontinue sending European officers and troops to India considered.— <i>Metcalfe</i>	232

OPEN TRADE :

See CHINA; EAST-INDIA COMPANY ; INDIA; and TRADE.	
--	--

OPIUM :

Constitutes the bulk of private exports to China.— <i>C. D.</i>	71
Trade in, important to Indian revenue.— <i>C. D.</i>	71
Revenue from, in India, becoming insecure.— <i>Tucker</i>	121

P.

PALMER and Co., of HYDERABAD:

Case of, illustrating necessity of a rule of publicity.—*Marjoribanks* page 209

PARLIAMENT:

Had in view open trade with China, by granting

Charter for a term of years.—*Grant* .. 19

Must decide contested questions between territory and commerce, on enlarged principles of justice and policy.—*Grant* .. 41

Must always lean to rule of confirming legal rights, where no exception is shewn.—*Grant*, 42

Has recognized Company's title to their property.—*C. D.* 75, 94

Has not decided question of political authority.
C. D. 76

May have cognizance in many ways of matters of dispute between Board and Court.—*Grant* 85

Has always reserved question of commercial claims on territory.—*C. D.* .. 94

Communication to, in cases of dispute between Board and Court, best security under new system.—*C. D.*, 97, 193, 194.—*Tucker*, 221

Great practical difficulty in bringing Indian cases to notice of.—*C. D.* .. 97

Confident expectation of Court that Parliament would provide a rule of publicity.—*C. D.* 201

Parliament may otherwise be unacquainted with facts of cases in which the paramount authority may act contrary to good government.—*Marjoribanks* 209

Instances in confirmation of truth of this position.—*Marjoribanks* 209

Privilege of resorting to Parliament where two authorities exercise concurrent jurisdiction, might produce inconvenience if abused; but no reason to fear it.—*Tucker* .. 221

Parliament has not taken same view of publicity as Court.—*Carnac* 400

Has not bestowed equal protection on manufactures of India.—*Tucker* page 136

Should alone have power to make laws for India.—*Lord Dalhousie* ? .. 258

Has enjoined the policy of maintaining India in strict dependency on Britain.—*C. D.* 306

Its premature declaration against slavery in India to be deprecated.—*Tucker* .. 348

Petitions to.—See PETITIONS.

PATRONAGE:

AT HOME:

To remain in hands of Directors.—*Grant* 3

Now lodged in hands which may possess it without exciting popular jealousy.—*Grant*, 16

Might be a dangerous privilege, if the body in whom it is invested be not independent.
—*C. D.* 62

Whether it can be safely placed in other hands, a great constitutional question.—*Tucker*, 131

Will probably be placed by proposed plan on a different footing.—*Tucker* .. 221

Will fall into the hands of Ministers, if Company reject proposed plan.—*Tucker* .. 477

IN INDIA:

Should vest in Governor General.—*Metcalf*, 234

Should be vested in local governments unfettered by home interference.—*C. D.* .. 326

A great difficulty obviated by continuance of present system.—*Lord Wm. Bentinck*, 251

Appointment of Indian councillors transferred to Ministers.—*Tucker* 345

PENSIONS:

To be in future under control of Board.—*Grant* 4, 85, 86, 188

Objected to.—*C. D.* 64, 80, 97, 455.—*C. P.* 184

Control of, matter of indifference.—*Tucker*, 128

PETITIONS from the COMPANY AGAINST the BILL:

To the House of Commons 403

PETITIONS from the Company against the Bill.—*continued.*

Provision for reporting cases of difference between Board and Court to Parliament wanting	page 404
Excessive powers placed in Governor General,	404
Power of subordinate governments prejudicially diminished	404
Efficient government for Western Provinces might be provided without a fourth presidency	404
Removal of councillors from subordinate governments, liable to very serious objections,	404
Increase of expense occasioned by new offices in Bill	405
And in ecclesiastical department ..	405
No evidence of necessity of two suffragan bishops and two chaplains of church of Scotland	405
Abolition of Haileybury College recommended	406
Prayer of Petition rejected	407
To the HOUSE OF LORDS	448
(Topics the same as the foregoing).	

PLAN, MINISTERIAL;

As now disclosed, must fail, and its failure produce great mischief.— <i>Tucker</i> ..	221
As a whole, liable to many and serious objections, but its acceptance preferable to its rejection.— <i>Tucker</i> ..	469, 470, 477
Reasons for and against its rejection.— <i>Tucker</i> ,	476
Should have been submitted to Proprietors at once.— <i>Tucker</i>	469

POLICY:

Of Home Government (of late) towards India, examined.— <i>Tucker</i>	123
--	-----

POLITICAL AUTHORITY, COMPANY'S:

Theoretical ideas of its incompatibility with functions of a corporate trade have not	
---	--

swayed Ministers in proposed plan.—*Grant*, .. page 17

Incompatible with commerce in India.—*Tucker*, 116

A pure gift of British Parliament.—*Grant*, 35

A question never decided by Parliament, but distinctly reserved.—*C. D.* .. 97

TERM OF:

To continue for about fifteen years, but an enactment not desirable.—*Grant* .. 103

Vital condition of proposed plan, that interests of Proprietors shall be bound up with those of India, abandoned, unless Company retain political authority during term of annuity.—*C. D.* 107

Object of identity of interests, the welfare of India; consequently the principle not abandoned by making term of, shorter than that of annuity.—*Grant* 110

Term of, should have reference to that of annuity, and period when Government fund will reach its maximum.—*Tucker* .. 218

POLITICAL POWER IN INDIA:

Not secure .. *Tucker*, 122.—*Bayley* 245

Sources of apprehension.—*Tucker* .. 122

Founded on supersession of ancient governments.—*Tucker* 122

RELATIONS IN INDIA

Division of amongst subordinate governments ..

Metcalf, 230.—*Lord Wm. Bentinck*, 253

Should be retained under immediate direction

of Supreme Government

Metcalf, 230.—*Lord Wm. Bentinck*, 253*

POPULAR OPINION:

Would be criminal in Ministers to surrender any just principle of commercial policy to ignorant or interested clamour.—*Grant*, 20

Prepossession in favour of open trade with China has a warrant in recent experience.—*Grant* 20

Popular voice has urged Government to take from the Company the China trade.—*Tucker*, 222

Public opinion upon that subject has undergone a change.—*Tucker* page 222
Value of East-India Stock in market a good criterion of public opinion on proposed plan.—*Carnac* 399

PRESIDENCIES.

See GOVERNMENT.

PRESIDENCY, FOURTH.

See HINDUSTAN, UPPER.

PRESS, in INDIA.

Its influence upon the permanency of our political power.—*Tucker* 122
Frequent improper publications of matters under deliberation of the government in Indian newspapers.—*Metcalf* 235

PRIVILEGES, EXCLUSIVE:

Necessary for encouragement of trade between remote markets.—*Tucker* 220

COMPANY'S:

See EAST-INDIA COMPANY and TRADE.

PROFITS.

See COMMERCIAL CAPITAL.

PROPRIETORS of EAST-INDIA STOCK:

Their interests should be sufficiently secured.—*Grant* x
An annuity of £630,000 proposed to be secured to them on the territorial revenues.—*Grant*, 3, 47
New annuitants to retain the character of a Joint Stock Company.—*Grant* .. 3
Their qualifications and right of voting to remain as at present.—*Grant* 3
Security of their dividend indispensable to their acceptance of proposed plan.—*C. D.* 9, 73
Proposed to place them in the room of holders of remittable India debt, purchased out with portion of Company's assets.—*Grant* .. 31
Not postponed to other creditors under present plan.—*Grant* 33
Current obligations of India must be met before dividend is paid.—*C. D.* .. 78

No moral or honorary obligation to that effect will attach to Company.—*Grant* page 87
Security offered for their dividends open to no reasonable impeachment.—*Grant* .. 33, 48
Security liable to prejudice from causes beyond Company's control.—*C. D.* .. . 78
Proposed plan strengthens their connection with Directors, and identifies their interests with those of India.—*Grant*, 34, 50, 87.—*C. D.* 96
Their claims on commercial profits regulated by Acts of 1793 and 1813.—*Grant* .. 44
Justice done them by continuing to them their dividend and no more.—*Grant* .. 47
Their present security imperfect.—*Grant* .. 48
They will have, under proposed plan, an equivalent for guarantee-fund projected in Acts of 1793 and 1813, but never formed.—*Grant* 49
The proposed arrangement beneficial to them.—*Grant* 49
Term for which the annuity is to be irredeemable.—*Grant* 56
Term proposed, forty years.—*Grant* .. 105
Entitled to such an amount of their property as, if invested in consols, would produce proposed annuity.—*C. D.* .. . 73
Their dividends now secured till 1836.—*C. D.* .. . 75
Their present amount of dividend secured by Acts of 1790 and 1813, because they were entitled to commercial property of equal amount.—*C. D.* 78
Entitled to further security besides that proposed *C. D.* 79.—*Tucker*, 114, 119, 126
Which need not detach them from interests of India, or prejudice its finances.—*C. D.* 79
Without some such arrangement, justice would not be done them.—*C. D.* .. 80
At expiration of term of annuity, they should receive as much principal as now applied to its purchase.—*C. D.* .. . 80, 98
Important that dividend should be punctually realized. Enactment proposed
Grant, 87.—*C. D.* 96

PROPRIETORS OF EAST-INDIA STOCK—

continued.

Further guarantee provided	95
<i>Grant, 87.—C. D.</i>	95
A fund of £1,200,000 to accumulate to £12,000,000	95
<i>Grant, 88.—C. D.</i>	95
Applicable to redemption of annuity	95
<i>Grant, 89.—C. D.</i>	95
Guarantee-fund should apply to dividends as well as capital.— <i>C. D.</i>	95
An addition to fund of £891,000 three per cent. stock standing in Company's name, would relieve them from imputation of extracting dividends at all hazards from India.— <i>C. D.</i>	95
Vital condition of scheme, that interests of Proprietors be bound up with those of India, abandoned, unless Company have the management of the country during term of annuity.— <i>C. D.</i>	107
This misconception removed.— <i>Grant</i>	110
Guarantee, which Court seem inclined to ac- cept, insufficient.— <i>Tucker</i>	114
Proprietors are entitled to a fund of £3,000,000, <i>Marjoribanks, 209, 463.—Tucker, 218</i>	114
Proprietors look to commercial capital for di- vidends and capital.— <i>Tucker</i>	114
Will be injured by being placed as creditors on territory of India.— <i>Tucker</i>	115
Security of Proprietors poor indeed if Directors rendered an inefficient body.— <i>Tucker</i>	126
Proprietors sufficiently protected whether paid off before or after guarantee-fund reaches £12,000,000.— <i>Grant</i>	197
Proprietors would consider a reduction of num- ber of Directors an infraction of privileges they now exercise.— <i>C. D.</i>	312
They accepted the boon of beneficial annuity, held out at first, too eagerly.— <i>Tucker</i>	469
Have placed themselves in a situation of great disadvantage.— <i>Tucker</i>	469
They ought to have insisted on time to wind up their commercial concerns.— <i>Tucker, 470</i>	470
They should accept the Bill with all its defects — <i>Tucker</i>	477, 478

PROPRIETORS, COURT of:

Minute of General Court, 25th March 1833, 153	153
Communications respecting Charter	153
Minute of General Court, 15th April 1833, 155	155
Debate on resolution	155
Minute of General Court, 16th April 1833, 158	158
Debate on resolution and amendments	158
Minute of General Court, 18th April 1833, 159	159
The same	159
Minute of General Court, 19th April 1833, 161	161
The same	161
Minute of General Court, 22d April 1833, 162	162
The same	162
Minute of General Court, 23d April 1833, 167	167
The same	167
Minute of General Court, 25th April 1833, 172	172
Resolution agreed to	177
Ballot required	179
Minute of General Court, 3d May 1833, 180	180
Resolution affirmed by Ballot	181
Conduct of Court of Directors approved, 182	182
Court of Proprietors will not shrink from undertaking government of India with sufficient powers and fair adjustment of their pecuniary rights	183
Not reasonable that their assets should be as- signed for proposed annuity, except	183
Guarantee fund be sufficient to redeem annuity at the end of forty years, and on failure of funds from India, fund to supply deficiency	183
Company exercising present political powers shall administer government of India for not less than twenty years, and when de- prived thereof, to have option of demand- ing payment of principal at rate of £100 for every £5. 5s. of annuity, and to resume right of trade	184
All measures involving expenditure to origi- nate from the Court of Directors, and sufficient power reserved to that Court to check acts of Board	184
A sufficient sum from commercial assets to be retained by Company to meet outstand- ing obligations and pensions	184

Remarks on resolutions ..	<i>Grant</i> , 186—188
Minute of General Court, 18th June 1833,	212
Resolution adopting recommendation of Court of Directors	213
Minute of General Court, 26th July 1833,	402
Petition to House of Commons approved,	403
Minute of General Court, 31st July 1833,	447
Petition to House of Lords approved ..	447
Minute of General Court, 13th Aug. 1833,	483
Acceptance of Bill	486
Ballot demanded	487
Minute of General Court, 16th Aug. 1833,	499
Ballot in affirmative	500
Resolution carried	501
Court of Proprietors an effectual medium of publicity.— <i>Carnac</i>	400

PROVINCES, UPPER, of INDIA :

See HINDUSTAN, UPPER.

PUBLICITY, IN DIFFERENCES BETWEEN BOARD AND COURT:

Should be provided for under proposed plan,	<i>C. D.</i> 63, 404, 449.— <i>C. P.</i> 184
No new provision can be made for it.— <i>Grant</i> ,	85, 188
The best security for new system.— <i>C. D.</i>	96, 97, 201
A point of vital consequence.— <i>C. D.</i> ..	192
Object, not to create a Court of Appeal, but communication of a fact to Parliament.— <i>C. D.</i>	193
The Court have the privilege, in common with other subjects, of approaching Parliament by petition.— <i>Grant</i>	198
Some measure of publicity, to be exercised as a rule, not as a privilege, necessary to independence of the Company and good government of India
<i>C. D.</i> 201.— <i>Marjoribanks</i> , 209, 464	
Want of it, in proposed plan, will make Court a mere screen between Government and British people.— <i>Tucker</i>	220
Parliament has not taken same view of importance of this subject as Court.— <i>Carnac</i> ,	400
Publicity can be obtained through the medium of Court of Proprietors.— <i>Carnac</i>	400

PUBLICITY in NEWSPAPERS of INDIA :

Too frequent and improper, of matters under deliberation of Government.—*Metcalfe*, page 235

R.

RAIKES, GEO. ESQ.

Statement of grounds on which he supported Court's resolution of 12th Aug. 1833, 479

RATES of EXCHANGE:

Adopted by Board, advantageous to territory.
—*C. D.* vi
Such gain is a portion of commercial profit applied to use of territory.—*Grant* .. 30

RECIPROCITY:

A condition essential to doctrine of free trade.
—*Tucker* 219
Not likely to be found in China.—*Tucker*, 219

REMITTANCE of FUNDS for HOME

CHARGES:

Effected through the Company's trade ..	<i>C. D.</i> ii, 6.— <i>Grant</i> , 17, 29
A cessation of such operation no evil.— <i>Grant</i> ,	17
Means of remittance will be increased under a free trade.— <i>Grant</i>	23, 29, 30
Expense of remittance should be borne by India.— <i>Grant</i>	28
Funds may be remitted by channels of general trade.— <i>Grant</i>	30
Tried, and found very embarrassing.— <i>Tucker</i> ,	218
Remittance by free trade liable to risk, uncertainty, and inconvenience.— <i>C. D.</i>	67, 99
A bullion remittance inconvenient to India.— <i>C. D.</i>	67
Importance of a regular supply of funds for territorial demands in England.— <i>C. D.</i>	67
Permission to remit in produce desirable.— <i>C. D.</i>	99
Remittance not adequately provided for by plan, <i>Tucker</i> , 114, 218, 219, 470	
Scheme proposed.— <i>Tucker</i>	118

REMITTANCE of Funds for Home Charges— *Continued.*

- Modes of remittance in future considered.—
Tucker page 125
- Present articles of remittance our own in possession.—*Tucker* 125
- Vindication of mode of remitting by merchandise.—*Tucker* 136
- Advantages of Company's China trade for remittance.—*Tucker* 143
- Distinct enactment for, suggested.—*C. D.* 320
- Under the Bill, will be a great loss to Indian finances.—*Marjoribanks* 464
- Inconvenient season chosen for breaking up remittance machinery.—*Tucker* 471

RETRENCHMENT:

- Might bring the revenue of India within the charges.—*Lord Ellenborough* iii
- Measures of, in Indian administration, of late years, searching.—*C. D.* 6
- If they had been earlier employed, expenditure would have been confined within income.—*Grant* 31
- System now in operation must be followed out.—*Grant* 32
- Importance of economy in Indian administration.—*Grant* 89
- Views of Ministers respecting diminution of expenditure.—*Grant* 89
- Difficulty of cutting down establishments, without producing evils, in India.—*Tucker*, 122
- Substitution of native servants for Europeans must not proceed too rapidly.—*Tucker*, 122
- Economy ought to be a paramount object in all changes in constitution of Indian governments .. *Metcalfe*, 227.—*Bayley*, 237
- Proposed abolition of all Boards in India considered.—*Metcalfe*, 228.—*Bayley*, 241.—
Lord Dalhousie, 258
- Practicable reductions in Subordinate Governments of India.—*Bayley* 242
- Most important reductions in Indian expenditure, of late years, have been result of orders from home.—*C. D.* 309

REVENUE of INDIA, GENERAL:

- Deficient, and deficiency supplied chiefly by China trade. .. *C. D.* ii. 6.—*Grant*, 29
- Will be sufficient by 1834
Lord Ellenborough, iii
- Doubtful.—*C. D.* vi
- Its diminution expected to augment.—*C. D.* iii
- Deficiency may be made good by loans ..
Duke of Wellington, iii
- Proposed to charge it with all expenses at home and abroad.—*Grant* 3
- Deficiency not to be supplied by England.—*Grant* 28
- Present deficiency no proof of future.—*Grant*, 30
- Prospects, judging from past experience, unfavourable .. *C. D.* 65, 94.—*Tucker*, 121
- Resource of commercial profits probable cause of deficient territorial revenue.—*Grant*, 30
- Embarrassments of revenue not owing to this cause, but to expensive wars.—*C. D.* .. 66
- If proposed arrangement were on the footing of a permanent deficiency, the effect would be to perpetuate deficiency.—*Grant* 48
- Revenue ill not be hurthered by proposed plan.—*Grant* 31, 33
- Additional charge on revenue by Bill.—*Wigram* 377
- Resources of India will be improved by substitution of proprietors of East-India Stock for other creditors on revenue.—*Grant*, 31
- Will be more than adequate to meet current expenditure.—*Grant* 32, 48
- Relief afforded by commerce enabled the territory to borrow at English instead of Indian interest.—*C. D.* 65
- Security of Indian revenue highly appreciated in India.—*Tucker* 119
- Prosperity of Indian finances down to 1822-23.—*Tucker* 120
- Changed by Burmese war.—*Tucker* 120
- Improbability of a surplus even in years of peace.—*Tucker* 121
- Statement of Indian results combined with home charges from 1814 to 1830-31.—*Tucker*, 133

Contingencies to which Indian revenue is exposed.—*Tucker* 218
We seem ready to relinquish revenue whilst adding new burthens on India.—*Tucker*, 471

LAND REVENUE:

Its actual condition, a source of great anxiety to Court.—*C. D.* 65
Falling off.—*Tucker* 121

OPIMUM REVENUE:

Its importance.—*C. D.* 71
Management of, during late years, very questionable.—*Tucker* 121

Becoming insecure.—*Tucker* 121, 471

Same revenue cannot be raised by means less objectionable.—*Tucker* 471

SALT REVENUE:

Monopoly of salt threatened with destruction in England.—*Tucker* 121

Danger thereby threatened to the large revenue from salt.—*Tucker* 122, 471

Same revenue cannot be raised by means less objectionable.—*Tucker* 471

See also REMITTANCE and CHARGES.

REVENUE IN ENGLAND:

Can, for a continuance, be drawn only from surplus profits.—*Grant* 23

On tea, expenses of collecting it will be enhanced under open trade
C. D. 7, *Tucker*, 139

This a consideration for the State.—*Grant* 23

Assessment and collection of duty under open trade difficult.—*Tucker* 139

S.

SAINT HELENA:

Provision for transfer of establishment to Crown,
C. D. 328, 385.—*Grant*, 396

SALARIES of COMPANY'S OFFICERS and SERVANTS: . . .

To be in future under control of Board ..
Grant, 4, 85.—*C. D.* 64, 455.—*Tucker*, 128
See also PENSIONS.

SALT:

Revenue on, in India, becoming insecure.—
Tucker 121

SCARLETT, SIR JAMES: .

His opinion on effect of Bill as to limitation of expenses of Board page 446

SCOTLAND, CHURCH of, in INDIA: .

See ECCLESIASTICAL ESTABLISHMENT.

SECRETARIES, BODY of, at PRESIDENCIES:

Proposed that they should act as a Council Board.—*Bayley* 240, 242

Not fit advisers of Governors

C. D. 310.—*Tucker*, 342.—*Jenkins*, 359

SERVANTS of COMPANY:

Company should be enabled to make suitable provision for, under new arrangement.—
C. D. 9, 80

Are under engagements to Company alone.—
C. D. 76

Proprietors would feel utmost repugnance at abandoning them to Crown.—*C. D.* .. 99

Great evil of suddenly throwing commercial servants and labourers out of employ.—
C. D. 100

Will now transfer their regard to Board.—
Thornhill 478

See also CIVIL SERVANTS, SALARIES, &c.

SETTLEMENT in INDIA:

See BRITISH SUBJECTS.

SILK, MANUFACTURE OF, in INDIA:

Evils of suddenly relinquishing it by Company.

—*Tucker* 115, 116

Pursued by them as a national object.—*Tucker* 116

Will be put in jeopardy by proposed plan.—
116

Contracts for silk to continue for 1834.—*Grant*, 371

Growers must not be suddenly deserted.—
Grant 371

Notice to be given that Company's silk will be absolutely sold.—*Grant* 373

SHANK, HENRY, Esq.

Statement of grounds on which he supported Court's resolution of 12th Aug. 1833, 479

SLAVERY in INDIA :

Abolition of, without violence to caste and property, approved by Court.—*C. D.* page 306

No necessity for legislating in this country for its abolition.—*Tucker* 346

Its authoritative abolition dangerous
Tucker, 347.—*Jenkins*, 361

If attended with evil, local government competent to apply appropriate remedy.—*Tucker*, 348

Should be left to Governor General in Council,
C. D. 327.—*Tucker*, 475

Section of Bill requiring its peremptory abolition should be expunged.—*Tucker* .. 475

Its character.—*Tucker* 346

Expressly recognized by Mohamedan law.—
Tucker 347

SMITH, GEO. Esq.

Concurs in dissent of Chairs from Court's resolution of 7th June 1833 (see **MARJORIBANKS**) 216

SMUGGLING :**In CHINA ;**

Effects of its extension on British trade there.
C. D., 71

An organized system established by free-traders from India and America.—*Tucker* .. 140

In ENGLAND :

Of tea, injurious to good morals and fair trade.
 —*Tucker* 121

Difficult to be prevented in unrestricted intercourse with China.—*Tucker* .. 140

STOCK, COMMERCIAL, of COMPANY :

Fully secured on their commercial assets and fixed property.—*C. D.* ii

Price of, in market, a good criterion of sentiments of public on proposed plan.—*Carnac* .. 399

See also **COMMERCIAL PROPERTY and PROPRIETORS.**

In PUBLIC FUNDS :

Proposal to add the £891,000 standing in three per cents. in Company's name to guarantee fund.—*C. D.* 95

STOCK of TEA :

See **TEA.**

SUDDER COURTS :

See **JUSTICE, COURTS of.**

SUMMARY of PRINCIPAL PROVISIONS of BILL.—Grant page 259**SUPERANNUATIONS :**

See **PENSIONS.**

TEA :

Probability of its being deteriorated by throwing open China trade.—*C. D.* .. 7, 71

Rivalry of dealers the best security for its quality.—*Grant* 22

The Hong monopoly will prevent effects of competition.—*C. D.* 72

Duty on tea more cheaply collected under proposed system than under any other.—*C. D.* 7

Assessment and collection of duty, under present plan, difficult.—*C. D.* 7.—*Tucker*, 139

Increase of consumption would not make up loss of duty.—*C. D.* 16

Revenue on tea should not be hazarded.—
Tucker 138

Revenue can only be drawn for continuance from surplus profits.—*Grant* .. 23

Company should be allowed time to dispose of their stock.—*C. D.* 8, 80

Loss on Company's stock of tea, if China trade opened in 1834.—*Tucker* .. 115

The peculiar nature of this article calculated to give new scope and value to productive industry of England.—*Grant* .. 23

Teas most advantageously purchased in China by money.—*C. D.* 70

Quantity must be vastly increased and quality deteriorated by an enlargement of demand for British manufactures in China to be returned in tea.—*C. D.* 71

Consumption of tea depends on its quality.—
C. D. 72

Quality maintained by Company's control in market of Canton.—*C. D.* .. 72

Extensive use of tea in England to be ascribed to this circumstance.—*C. D.* .. 72

Company's exclusive supply of tea for home-

market justified on commercial, fiscal, and political considerations.—*Tucker*, 117, 127, 221

Scheme for relaxation of exclusive trade in tea.—*Tucker* 118

Company cannot contend with competition of adventurers.—*Tucker* 125

But they could supply British consumer with tea with great advantage.—*Tucker* 127

Their teas are procured on more favourable terms than if the trade were perfectly open.—*Tucker* 138, 143

They are willing to confine their trade to tea for home consumption.—*Tucker* .. 127

Derangement of home-market if trade be opened.—*Tucker* 139, 143

Prices at Canton determined by Company's factory.—*Tucker* 142

Last contracts for.—*C. D.* 374

Company's trade in tea should be gradually withdrawn.—*Wigram* 378

TERRITORY, INDIAN:

Has access to Company's commercial capital and profits.—*C. D.* ii, vi

Indebted to commerce.—*C. D.* .. 6, 94

A compromise between its interests and those of commerce, principle of proposed plan .. *Grant*, 36

Has an equal interest with commerce in a compromised settlement —*Grant* .. 42

Extent of its claims on commerce regulated by Acts of 1793 and 1813.—*Grant* .. 44

Justice done to it by receiving Company's assets.—*Grant* 47

Advantages from proposed plan.—*Grant* .. 50

Would be without claim on home funds, after 1834, in event of a dissolution between territory and trade.—*C. D.* 75

Mutual liabilities of territory and commerce must possess their distinctive characters.—*C. D.* 76

Territory and Indian debt inseparable.—*C. D.* 76

Every inch of territory acquired by, and held in name of, Company.—*C. D.* .. 76

Territory would surrender nothing by compromise.—*C. D.* page 77

It has no right to commercial assets.—*C. D.* 77

Claims of commerce upon territory always reserved by Parliament.—*C. D.* .. 94

See also CHARGES, REMITTANCE, REVENUE, &c.

THORNHILL, JOHN, Esq.

Concurs with Mr. Tucker in his paper of 12th August 1833 (See *Tucker*) .. 478

TRADE:

COMPANY'S RIGHT to:

Their right to trade as a corporate body part of arrangement for new charter

Duke of Wellington, Lord Ellenborough, iii

Relinquishment of this right no part of proposed plan.—*Grant* 55

Valuable in connexion with Company's position and influence

C. D. 94.—*Tucker*, 116.—*Carnac*, 397

On expiration of term of government, Company should be allowed to resume it.—*C. P.* 184

Agreed to.—*Grant* 186

Policy of putting their charter in abeyance, considered.—*Carnac*, 399.—*Marjoribanks*, 462, 465.—*Tucker*, 477.—*C. D.* 482.—*C. P.* 486

COMPANY'S :

Complaint against, founded on wrong view of their objects and motives

C. D. 321.—*Tucker*, 137

A limited continuance in, during remainder of term of charter, will meet additional charge imposed on territory.—*Wigram* .. 377

Ships under contract might bring home a reduced quantity of tea 378

Paragraphs of instruction to China respecting discontinuance of trade 379

Dissents of Chairs from 377

Paragraphs of instruction to Bengal respecting discontinuance of trade 381

See also EAST-INDIA COMPANY, CHINA TRADE, and INDIA TRADE.

COUNTRY, with CHINA.

See INDIA TRADE.

TRADE—*continued*.

FREE TRADE:

General principles of, applied by Mr. Grant to meet facts adverse to open trade with China.—*C. D.* 68

Doctrine of, cannot be adopted for practical purposes without certain conditions.—

Tucker 219

These conditions not found in China or Japan.

—*Tucker* 219

TRADERS, PRIVATE:

IN CHINA:

Hazards they incur, in open trade with China, may be mitigated.—*Grant* .. 24

Their future relative position in respect to Company's establishment at Canton.—

Grant 26

Their character and sentiments.—*Grant* 26

Effect of their disputes with Chinese, in open trade.—*C. D.* 72

Could not trade advantageously if Company retained their right of trade.—*C. D.* 94

See also CHINA TRADE.

IN INDIA:

Will not act for national objects, like the Company.—*Tucker* 116

Effect of the change on silk manufacture of Bengal.—*Tucker* 116

Their losses owing partly to remoteness of India.—*Tucker* 220

TRAVANCORE, RAJAH of:

Case of, illustrates necessity of rule of publicity.

—*Marjoribanks* 210

TUCKER, H. ST. GEORGE, Esq.

Dissent from correspondence between Chairs and Mr. Grant 113

Concessions extorted from Court .. 113

Importance of tea-trade, which is to be absolutely surrendered 113

Proposed annuity not safely secured to English capitalists 114

Guarantee-fund of £2,000,000 insufficient, 114

No adequate provision for remittance of funds, 114

Company's commercial assets the fund for payment of dividend and capital .. 114

Assets produced from original subscription and accumulations 114

Company's right to them clear and incontestable 114

Mr. Grant's menace of legal process addressed to Proprietors' fear, 114

Assets should be reserved as a guarantee-fund for annuity and capital. 114

Their application to discharge Indian debt a positive injury to Proprietary .. 115

Court ought to have insisted on time for realization of assets 115

Heavy loss may be sustained on tea-stock, if China trade be suddenly opened in 1834, 115

Large loss on silk advances, if manufacture be suddenly relinquished 115

Loss on factories brought to sale at once, 116

Other serious evils from same cause .. 116

Objects of Company's encouragement of silk manufacture national 116

Private merchants will act on commercial principles only 116

Great misery in England and India by sudden discontinuance of silk manufacture in Bengal 116

Objection to union of Company's political and commercial characters applies strictly to India 116

Company's exclusive supply of home-market with tea justifiable on commercial, fiscal, and political grounds 117

Temporary extension of privilege proposed, 117

Concessions specified 117

Competency of Indian security to satisfy Indian creditors, considered 119

Indian security highly appreciated by capitalists in India 119

A mockery to tender such security to those whose funds are locked up in India stock, 120

- Market value of India securities artificial, page 120
- Savings and accumulations cannot find a safe channel of remittance home .. 120
- Finances of India prosperous till Burmese war 120
- Practicability of realizing a sufficient surplus revenue doubtful 121
- Land revenue falling off 121
- Opium and salt revenues becoming insecure 121
- Difficulties and evils attending severe reductions in India 122
- Not safe, at present, to employ natives alone, generally, in offices of high trust .. 122
- Our political situation in India affords no grounds for high confidence .. 122
- State of the press 122
- Temper of the European officers .. 122
- Composition and state of feeling of native army 123
- Recent insurrections 123
- Our position in India and its change of aspect, 123
- Natives are acquiring knowledge .. 123
- British subjects are aspiring to political power 123
- King's judges have inculcated doctrines calculated to weaken local government .. 123
- Discussions in England respecting religious observances of natives 123
- Distrust occasioned by scrutiny into titles to land 124
- Degradation of landed aristocracy .. 124
- Character of the Hindu 124
- Long-established policy of Court overruled by Board 124
- Remittance of home funds 125
- If in goods and bullion, there will be private competition 125
- Present medium of remittance in our own hands 125
- Bills must be secured by consignments of goods 125, 126
- Prepared to relinquish trade with India .. 125
- China the proper channel for territorial remittance page 125
- International trade account between China, England, and India, settled simply through Company 125
- Company could not engage in competition with adventurers 125
- Contingencies which may affect remittance of home funds 126
- Proprietors will not have sufficient reliance on punctual receipt of annuity 126
- Security will be poor indeed, if Court be rendered inefficient 126
- Ruinous consequences of diverting commerce from established channel 127
- True policy to perpetuate Company's agency for home supply of tea 127
- They can supply British consumer with great advantage as to price and quality 127
- Projected change of system likely to produce collision with Chinese 127
- Questions connected with proposed political functions of home authorities .. 127
- Retention of power to recall Governor General and Commander-in-chief essential to efficiency of Court 127
- Control of army should vest in Court .. 128
- Privation of power to grant small pensions of little moment 128
- No sufficient reason for lessening number of Directors 128
- Reasons for retaining present number, 128, 129
- Division of Court into committees unnecessary 129
- Substitution of official signature objectionable 129
- Disposition of relative powers of Board and Court, greatest difficulty of plan .. 129
- Plan would give Court mechanical functions, and all substantial power to Board 129
- Responsibility without power, and power without responsibility, worst system of administration 129

TUCKER, H. St. George, Esq.—*continued.*

But Court should not be too fastidious, lest new machinery fall into worse hands, and people of India suffer .. page 130
Points which should be insisted on specified, .. 130

Nomination of writers, question of national concernment 131

Patronage of India a great constitutional question 131

Papers referred to in Dissent :

Statement of Indian results combined with home charges, from 1814-15 to 1830-31, .. 133

Explanatory remarks in support of foregoing propositions 134

Inconveniences to Company, from delay in settling basis of plan 134

Abandonment of all trade, excepting tea, no sacrifice to Company 135

Time and manner of retiring connected with their future character 135

Loss incurred in their trade with India .. 135

Partly apparent, owing to Board's rate of exchange 135

Partly owing to its having been prosecuted for sake of forced remittance .. 136

And to uphold declining manufactures of India 136

Remittance by bullion injurious to India, 136

China trade from India gave profitable employment to Company's shipping .. 136

Their exportation of metals to India for national objects 137

Charges against Company, in their commercial character, founded on wrong view of their motives 137

Company prepared to confine their operations to supply of tea for home market .. 137

Admitted benefits from existing system of privileged China trade 138

Impudent to hazard the revenue on tea, 138

Company's teas procured on more favourable terms than free-traders likely to be .. 138

Home-market will be deranged under open trade page 139

Assessment and collection of duty difficult, under open trade 139

Chinese monopoly of Hong can only be met by agency of same character .. 139

Free traders will be at the mercy of the Hong, .. 139

Collision with Chinese government probable, .. 140

A contraband trade in tea in Great Britain not to be prevented under unrestricted intercourse with China 140

Wild notions of coercing Chinese government, .. 141

War and conquest in China will be ruinous to us 141

Continuance of commercial intercourse with Chinese indispensable 142

Present system has secured important objects proposed by it 142

Its results recapitulated 142

Proposed commission of local inquiry in India considered 144

Heads of inquiry specified 145

Powers to be given to commissioners .. 151

Difficulty of finding competent persons 151

Dissent from Court's Resolution of 7th June 1833 217

Concessions made by Ministers important and valuable 217

English security for annuity an object of very great importance 218

£3,000,000 the very smallest sum to be appropriated for that purpose 218

Contingences to which territorial finances are exposed 218

Security and punctuality of payment main objects to English capitalists .. 218

Terms of annuity and of political authority, and period at which fund will reach £12,000,000, should be regulated with reference to each other 218

Safe means of remittance not provided .. 218

- Experiment of private channel tried and found inconvenient page 219
- Doctrine of free trade cannot be practically adopted without certain conditions .. 219
- Conditions explained 219
- Question of publicity 220
- Court will become a mere screen between Government and British people .. 220
- Government will have power without direct responsibility 220
- Court will have discredit of measures they may have opposed 220
- The right to appeal to another tribunal may do good .. * .. . 221
- An appeal to the public through Court of Proprietors not without its use .. 221
- More might have been conceded .. 221
- Court's patronage will probably be placed on a different footing 221
- Independence of Court ought to have been better secured 221
- Plan, as at present disclosed, must fail, and its failure produce great mischief .. 221
- Popular voice has urged Government to take away Company's trade 222
- Public opinion on the subject is undergoing a change 222
- Dissent from Court's letter to Mr. Grant, 2d July 1833 340
- General concurrence in opinions of letter, 340
- Minutes of Supreme Government, on Indian governments, now for first time laid before Court 341
- Propositions of Minister involve an objectionable change in constitution of Indian governments 341
- No objection to formation of a fourth presidency 341
- Agrs well adapted for seat of new government 341
- Proposed constitution of subordinate presidencies degrades them into mere lieutenantancies, 342
- Council of secretaries irresponsible .. 342
- Members of council a check upon governors, page 342
- Supreme Government may be invested with general power to restrict expenditure 342.
- Legislative power should not vest exclusively in Supreme Government 342
- Absolute uniformity in legislation not necessary or practicable in India 342
- Seat of government should be Calcutta 343
- Not advisable to divest Supreme Government of immediate management of a particular territory 343
- Addition of three members to Supreme Council unnecessary 344, 350
- Their removal from subordinate governments implicit 344
- Impracticable to carry on details of Government for all India at Calcutta .. 344
- Proposed plan places Supreme Government in position of home authorities .. 344
- Much discretion should be left to local governors, but check from home not to be dispensed with 345
- Political power of Supreme Government should be strengthened to the utmost, but free exercise of all functions should be left to subordinate governments .. 345
- Addition of King's judges, political partisans, or natives, to Supreme Council, objectionable 345
- Appointment of councillors by Crown will prejudice one of the best securities for good government of India 345
- Extension of legislative powers of Supreme Government to objects connected with Supreme Courts salutary .. 345, 346
- Local governments cannot be too strongly armed with repressive power over Europeans 346
- Evils of stretch of jurisdiction of King's courts, 346
- Legislation in England for abolition of slavery in India unnecessary 346
- Character of Indian slavery 346

TUCKER, H. St. George, Esq.—*continued.*

Indian slavery expressly recognised by Mohametan law	page 347
If to be denounced and abolished, great excitement will follow	347
If an evil, local legislation can apply appropriate remedy	318
General permission to Europeans to hold lands in India must tend to supersede native land-holders	318
Expediency of a commission to introduce uniformity in judicial system doubtful, 318	
Expense and objection	318, 350
English lawyers unfit to conduct the inquiry,	319
Introduction of English law in India deprecated	350
King's Courts objects of terror to natives, 350	
New Presidency at Agra may be formed without material addition to expenditure, 350	
Sketch of establishment proposed	351
Commander-in-chief should be stationed with his army	351
Addition to ecclesiastical establishment unnecessary	351
Proposed mode of nomination to civil service considered	351
Letter from, to Court, enclosing Paper of Review	468
Plan as a whole liable to many objections, 469	
Proprietors too eagerly accepted boon held out	469
Jealous feeling in public with respect to British constitution extinct	469
Attention has been paid to Company's representations	469
Leading objectionable principles in plan remain	469
Calculated to inspire serious apprehensions, 470	
Proprietors ought to have insisted on time to wind up concerns	470
Peremptory suppression of Company's trade with China, a heavy loss at the expense of India	470

Guarantee fund of £2,000,000 quite inadequate	page 470
No safe and practicable plan devised for remittance	470
Highly unjust, if practicable, to give Proprietors preference over demands of other Indian creditors	471
A most inconvenient season chosen for breaking up remittance-machinery	471
We are relinquishing revenue whilst increasing the financial burthens of India	471
Court cannot continue an efficient and independent organ of administration	471
Only two powerful functionaries, Governor General of India and Board	471
Change of constitution of Supreme Government will add energy to it	472
Constitution of councils in India objectionable,	472
Law Commission objectionable	472
Introduction of English law a great evil to India	472
Bill opens a door to influx of English lawyers thither	472
Evils pointed out	473
Settlement of Europeans in India without license	473
Compromises safety of natives and peace of country	473
Each European, who goes to India, usually imposes a tax upon it	473
Public records show grievous injury to natives from conduct of Europeans in interior	473
Permission to Europeans to hold lands in India, without limitation, a hazardous abandonment of established policy	474
Europeans will oust native landholders, 474	
Influx of lower classes will degrade European character	474, 475
They will come frequently into collision with natives	474
And will bring distress on those who will flock thither	475

Section in Bill requiring peremptory abolition
of slavery ought to have been expunged,
page 475

Local government competent to enact laws
for its extinction 475

Ought proprietors to stand on their chartered
rights? 476

Consequences of rejecting plan . . . 476

Acceptance of Bill, with all its defects, pre-
ferable 477

TURNER, BISHOP :

Died in a year and seven months after reaching
his diocese.—*Grant* 333

Sacrificed his life in performance of overwhel-
ming duties of his See.—*Grant* . . . 333

His death not attributable to excessive duties
of episcopal office.—*C. D.* 330

VILLIERS, T. HYDE, Esq.

Letter from, to Chairs, 18th July 1832 . . 335

Consideration of arrangement for addition to
episcopal establishment of India postponed,
335

VETO:

On recall of Governors and Commanders-in-
chief to be enjoyed by Board.—*Grant* 4

Abandoned by Ministers.—*Grant* . . . 187

WELLINGTON, DUKE of :

Conference with Chairs, 12th Oct. 1830, page i

His opinion^a respecting security for Company's
capital ii

His views respecting provision against a deficit
of territorial revenue, on cessation of China
monopoly iii

WIGRAM, WILLIAM, Esq.

His joint Dissent with Mr. Marjoribanks from
Court's resolution of 7th June 1833, (see
MARJORIBANKS) 208

His Dissent from Despatch to China, 19th
July 1833 377

Limited continuance of China trade will aid
finances of India 377

Additional charge on territory by Bill . . 377

Advantage of sending out ships under contract
to China 377

Uncertainty attending our future intercourse
with China 377

His joint Dissent with Mr. Marjoribanks from
Court's resolution of 12th Aug. 1833 (see
MARJORIBANKS) 463

YOUNG, SIR WILLIAM, Bart.

Statement of the grounds on which he sup-
ported Court's resolution of 12th Aug.
1833 479

INDEX

TO

THE INDIA BILL,

As passed by the Honourable the House of Commons and the Right Honourable the House of Lords, intituled "An Act for effecting an Arrangement with the East-India Company, and for the better Government of His Majesty's Indian Territories, till the Thirtieth Day of April One thousand eight hundred and fifty-four."

[28th AUGUST 1833.]

The Roman Numerals refer to the numbers of the sections in the Act as it received the Royal Assent; the Arabic Figures to the pages of this Volume.

A.

ACCOUNTS:

1. Of monies paid into the Bank of England by Company, on account of security fund, to be kept by cashiers of Bank (xiv) page 510
 2. Accounts of annual revenues of India, annual receipts and disbursements at home and abroad, also of all debts and effects, also of several establishments, salaries, and allowances, to be by Court laid before Parliament (cxvi) 542
 3. Court, under direction of Board, to prepare forms of accounts, so as to exhibit a complete and accurate view of Company's financial affairs (cxvi) 542
 4. New or increased salaries, &c. to be specially stated in accounts (cxvi) 542
- See also PARLIAMENT.

ACT, PRESENT:

To commence from passing of, so far as to appointment of Governor General, Governors, Members of Council, or other officers; as to all other matters, from and after 22d April 1834 (cxvii) 542

ACTS ALTERED by PRESENT ACT:

- | | |
|---------------------------|--------------|
| 53 Geo. III. c. 155 | (i) page 506 |
| 13 Geo. III. c. 63 | (xxviii) 514 |

ADVOCATES:

1. Persons may be admitted as, by King's court in India, without license from Company (cxv) 541
2. The being entitled to practice as advocate in principal courts of Scotland, a sufficient qualification for admission in any court in India (cxv) 542

AGRA:

See BENGAL.

ALLOWANCES:

See COMPENSATIONS and SALARIES.

ARCHDEACONS:

1. Period of residence of an archdeacon promoted to a bishoprick (xcviii) 537
2. None hereafter appointed to the archdeaconsries of Bengal, Madras, and Bombay, to receive, as such, a salary exceeding 3,000 sicca rupees per annum (ci) 538

ARCOT, NABOB of,

See NABOB of ARCOT.

ARMY, INDIAN :

Governor, General in Council may make articles of war for native officers and soldiers of (lxxiii) page 529

ASSETS of COMPANY :

See PROPERTY of COMPANY.

ATTORNEIES :

Persons may be admitted as, by King's courts in India, without license from Company .. (cxv) 541

B.**BALLOT :**

Proprietors may vote at, on election of Directors, if resident within the United Kingdom, by attorney (xxvii) 513

BANK of ENGLAND :

Cashiers of, to receive money paid by Company to Commissioners for reduction of National Debt, on account of security fund, and to keep an account thereof .. (xiv) 510

BARRISTERS :

Persons may be admitted as, by King's courts in India, without license from Company .. (cxv) 541

BENGAL, Presidency of :

1. To be divided into two distinct presidencies, one to be styled "the Presidency of Fort William in Bengal;" the other "the Presidency of Agra." .. (xxxviii) 518
2. Court, under control provided by this Act, to declare from time to time their respective limits (xxxviii) 518
3. Division not to affect establishments and forces, or course of prolaotion of Company's servants (lxxi) 529
4. To be entire for purposes of Muthy Act and articles of war .. (lxxii) 529
5. Governor General may appoint a deputy Governor of, in case of exigency, from among ordinary members of council of India (lxix)

528

BISHOPS in INDIA :

See ECCLESIASTICAL ESTABLISHMENT.

BOARD of COMMISSIONERS for the AFFAIRS of INDIA :**CONSTITUTION of BOARD :**

1. His Majesty may appoint Commissioners by letters patent or commission, during pleasure (xix) page 512
2. Bord President of Council, Lord Privy Seal, First Lord of Treasury, Principal Secretaries of State, and Chancellor of the Exchequer, for the time being, to be *ex officio* Commissioners (xx) 512
3. Two Commissioners to form a Board, and Commissioner first named in patent or commission to be President .. (xxi) 512
4. Board may nominate two Secretaries and officers during pleasure .. (xxiii) 513
5. Each of Secretaries to have same powers as present chief Secretary .. (xxiii) 513
6. President (but no other Commissioner as such), Secretaries and officers, to be paid by Company such salaries as his Majesty shall direct (xxiii) 513
7. Secretaries and officers may be required by Board to take an oath of secrecy (xxiv) 513
8. Board and officers to continue as on 22d April 1834, until appointments revoked (xxvi) 513

POWERS of BOARD :

1. To have full power to superintend and control sale of Company's property, reduction of commercial establishments, payment of commercial claims, and all acts and operations whereby the value of the Company's property may be affected .. (vi) 507
2. To appoint officers to attend Board during winding up of commercial business; charge to be defrayed by Company .. (vi) 508
3. May administer oath of secrecy to their officers (xxiv) 513
4. To have full power to superintend and control all acts of the Company relating to the Government or Revenues of India, or property vested in the Company .. (xxv) 513

5. All powers of Court to be subject to control of Board, except any patronage or right of appointment reserved to Court (cix) page 540

FUNCTIONS OF BOARD:

1. Court to deliver to Board copies of all minutes and proceedings of Courts of Proprietors and Courts of Directors, within eight days, and copies of all despatches received by Court, material, to be communicated to Board, or which Board shall require, (xxix) 514
2. No orders, official letters, or communications relating to territories or government, property or rights vested in Company, or public matters, to be sent by Court until approved by Board, except certain classes of orders (xxx) 515
3. Copies of proposed orders to be laid before Board, and returned, if approved, within two months; if disapproved, Board's reasons to be given in writing, with directions to Court thereon (xxx) 515
4. If Court omit for fourteen days after requisition to prepare and submit orders, &c. Board may prepare them and Court required to transmit them .. (xxxi) 515
5. Court may make representations to Board, within fourteen days, as to directions received, which Board to consider and give final orders (xxxii) 516
6. If Court think orders directed by Board illegal, Judges of Court of King's Bench to certify their opinion upon a case agreed upon by Board and Court, which opinion to be conclusive (xxxiii) 516
7. Board not to have power to appoint servants of Company, or to interfere with or control Court's communications with officers of Company in home establishment, or communications with them or with Company's legal advisers (xxxiv) 516
8. Board may, in matters requiring secrecy, send their orders, &c. to India through the Secret Committee of the Court (xxxvi) 517

9. Court to submit to Board an estimate of the annual sum, required for salaries and expence. of Court of Directors, their officers, &c. and Courts of Proprietors (subject to reduction by Board); sum agreed on to be applied by Court without control of Board, (xxxvii) page 518
10. Board may reduce estimate of number of civil servants necessary to supply expected vacancies for India (ciii) 539
11. Board to certify to Court number of candidates for admission, and students to be admitted, at Haileybury College (ciii) 539
12. If Court fail to nominate within a month, Board may nominate .. (ciii) 539
13. On vacancy in college, by death, expulsion, or resignation, Board may add, in respect to every such vacancy, one student and four candidates to the number to be nominated by Court the following year .. (civ) 539
14. Board to direct what examination candidates shall be subjected to, and by what examiners (cv) 539
15. Board to make rules for formation of estimate, for good government of college, for examination and qualifications of candidates and students, and for appointment and remuneration of examiners; plan and rules to be approved by King in Council, (evi) 540
16. Appointment of professors and teachers at college to be approved by Board (cviii) 540
17. Board prohibited from granting extraordinary allowances or increase of established salaries, except salaries or allowances to officers attending Board during winding up of commercial concerns .. (cx) 541
18. Court, under direction of Board, to prepare form of annual accounts and estimates of affairs of Company .. (cxvi) 542

CONSTITUTION, POWERS, and FUNCTIONS

of PRESIDENT:

1. Commissioner first named in King's letters patent or commission, to be president (xxi) 512

**BOARD of COMMISSIONERS, Constitution,
Powers, and Functions of President—
*continued.***

2. In his absence, commissioner present, next in order, to preside .. (xxi) page 512
3. President, or acting president, to have the casting vote (xxii) 512
4. President (but no other commissioner, as such) to be paid by Company such fixed salary as his Majesty shall direct (xxiii) 513
5. To sign on the part of the Board any special case agreed between Board and Court for the opinion of the Court of King's Bench (xxxiii) 516
6. To countersign King's approbation of Court's appointment of fourth ordinary member of council of India .. (xl) 519
7. To countersign King's approbation of Court's appointment of Governor General of India (xlii) 519
8. To countersign King's approbation of Court's appointment of Governors of subordinate presidencies .. (lviii) 525
9. To countersign King's dismissal of Company's officers in India, and to attest copy of dismissal to be delivered to chairman of Company (lxxiv) 530
10. To countersign warrant for bills on letters patent appointing bishops in India, (xcv) 536

BOMBAY :

Company entitled to, or claim it, under grant from Crown (i) 505

BREACH of TRUST :

See DISOBEDIENCE of ORDERS.

C.

CAPITAL PUNISHMENT :

Governor General in Council not authorized to make laws giving power to courts, other than King's courts, to inflict death on natural-born European subjects of King, or their children, without previous sanction of Court (xlvi) 521

**CHAPLAINS of CHURCH of SCOTLAND :
See ECCLESIASTICAL ESTABLISHMENT.**

**CHILDREN of REDUCED COMMERCIAL
OFFICERS :
See COMPENSATIONS.**

**CHINA TRADE :
See TRADE.**

CIVIL SERVICE :

1. Governor General in Council to make and transmit to Court annually a prospective estimate of number of civil servants necessary to supply expected vacancies in India. (ciii) page 538
2. Board may reduce such estimate (ciii) 539
3. Board within a month to certify to Court number of candidates to be nominated by Court for admission and students to be admitted at Haileybury College for the year ; four candidates and one student for each vacancy (ciii) 539
4. On failure of Court's nomination within one month, Board may nominate, (ciii) 539
5. On vacancy in college, by death, expulsion, or resignation, Board may add, in respect to every such vacancy, one student and four candidates to the number to be nominated by Court the following year, (civ) 539
6. Candidates to be subjected to an examination by examiners directed by Board and classed ; highest on list to be admitted by Court (cv) 539
7. Board to make rules for formation of estimate, government of college, examination and qualifications of candidates and students, and appointment and remuneration of examiners ; plan and rules to be approved by King in council (cvi) 540
8. Students leaving college to be examined and classed according to merit, and to supply vacancies and choose presidency according to priority in list (cvii) 540
9. Appointment of professors and teachers at college to be approved by Board, (cwii) 540

10. Civil servants in Canton or Saint Helena establishments to be eligible to offices in any of presidencies of India (cxiii) page 541

CLAIMS upon COMPANY'S PROPERTY :

See **PROPERTY of COMPANY.**

COMMANDER-IN-CHIEF :

1. In India, may be appointed by Court an extraordinary Member of Supreme Council, (xl) 519
2. If no such Commander-in-chief, or if Governor General be Commander-in-chief in India, then Commander-in-chief in Bengal may be so appointed (xl) 519

COMMERCE :

See **TRADE.**

COMMISSIONERS for AFFAIRS of INDIA :

See **BOARD of COMMISSIONERS for the AFFAIRS of INDIA.**

COMPENSATIONS :

1. Claims of Company's reduced commercial officers, their widows and children, may be considered, and compensation, superannuation, or allowance granted by Court, under control of Board (vii) 508
2. Particulars of each case to be laid before Parliament two months prior to grant (vii) 508
3. Particulars of all such compensations, &c. to be laid before Parliament annually (viii) 508

CONSECRATION of BISHOPS in INDIA :

Archbishop of Canterbury may, when required by the King, issue a commission for that purpose (xcix) 537

COUNCILLORS and COUNCILS :

See **GOVERNMENT of INDIA.**

COURT of KING'S BENCH :

Three or more judges thereof to certify their opinion on any special case, agreed upon between Board and Court, respecting legality of Board's orders .. (xxxiii) 516

COURTS of JUSTICE, KING'S :

1. Subject to legislative power vested in Governor General in Council (xliii) page 520
2. Governor General in Council not authorized, without previous sanction of Court, to make laws, abolishing (xlv) 521
3. May admit barristers, advocates, and attorneys, without license of Company (cxv) 541

D.

DEATH, PUNISHMENT of :

See **CAPITAL PUNISHMENT.**

DEBTS and LIABILITIES of COMPANY :

1. To be chargeable on Company's property held by them in trust for the Crown, for service of government of India .. (i) 506
2. Bond debt, Territorial debt, and all other liabilities of Company on 22d April 1834, and which shall be lawfully contracted after that date for service of government, to be chargeable on territorial revenues (ix) 508

DESPATCHES :

See **DIRECTORS, COURT of.**

DIRECTORS :

1. Not liable to Company's liabilities on 22d April 1834, nor such as shall be legally contracted for service of government after that date (ix) 509
2. Election of,—Proprietors resident in United Kingdom may vote at ballot, by attorney, (xxvii) 513
3. Restriction with respect to any civil or military servant of Company being chosen till resident in England two years, repealed, (xxviii) 514
4. A servant of Company declared by Court, with consent of Board, to be an accountant, whose accounts are unsettled, or against whom a charge is so declared to be under Court's consideration, ineligible for two years, unless matters shall be previously adjusted (xxviii) 514

DIRECTORS, "COURT OF:

1. Copies of minutes and proceedings of all Courts of Proprietors and Courts of Directors to be delivered to Board by Court within eight days; also copies of despatches material or required by Board (xxix) page 514
2. No orders, or official letters, or communications whatever, relating to the territories or government, or to property or rights vested in Company, or to any public matter whatever, to be sent by the Court till approved by the Board (xxx) 515
3. Copies of such orders, &c. to be previously laid before Board (xxx) 515
4. Board to signify approbation or disapprobation within two months; if disapproved, Board's reasons to be given in writing with directions to Court thereon, (xxx) 515
5. Court to send the orders, &c. in form approved by Board (xxx) 515
6. Board may allow certain classes of orders, &c. to be sent by Court without previous approbation of Board (xxx) 515
7. If Court omit, for fourteen days after requisition, to prepare and submit to Board orders, &c., Board may prepare them, and Court are required to transmit them . . (xxxi) 515
8. The Court may, within fourteen days, make representations to Board touching directions received from Board, who are to consider them and give final orders . . (xxxii) 516
9. If Court think any orders, &c. upon which directions are given by Board, contrary to law, Board and Court may send a special case to Court of King's Bench, and the opinion of three Judges on the case to be conclusive (xxxiii) 516
10. Not necessary for Court to submit to Board their communications with their home servants or legal advisers of Company (xxxiv) 516
11. Court shall appoint Secret Committee, of not exceeding three Directors (xxxv) 516
12. Oath of Committee (xxxv) 517
13. Court to submit to Board an estimate of the sum annually required for salaries and expenses of Court, their officers, &c., and Courts of Proprietors (subject to reduction by Board); sum agreed on may be applied by Court without control of Board, (xxxvii) page 518
14. Accounts of application to be kept and rendered (xxxvii) 518
15. Court, under control of Board, to declare, from time to time, the limits of respective presidencies of Bengal and Agra, (xxxviii) 518
16. To appoint three ordinary Members of Supreme Council from Company's servants of ten years' standing, and a fourth not a Company's servant, subject to King's approbation, (xl) 519
17. Court may appoint Commander-in-chief in India, or if no such Commander-in-chief, or if Governor General be Commander-in-chief, then Commander-in-chief in Bengal, an extraordinary member of Supreme Council (xl) 519
18. Court to appoint Governor General, with approbation of the King . . (xlii) 519
19. Court, under control of Board, may disallow laws made by Governor General in Council (xliv) 520
20. Court to submit to Board rules for procedure of Governor General in Council; after approved by Board to be laid before Parliament (xlvi) 521
21. Court may, under Board's control, revoke and suspend appointment or reduce number of Councillors at presidencies . . (lvii) 524
22. Court to appoint Governor of Agra, and fill up vacancies in presidencies of Madras and Bombay, with approbation of the King, (lviii) 525
23. If Court neglect for two months to supply any vacancy in India, the King may appoint, (lx) 525
24. Court may make provisional appointments for supplying vacancies . . (lxi) 526

25. Such appointments of persons not Company's servants to certain offices, to be approved by the King .. (lxi) page 526
26. Court to retain power of removing or dismissing servants of Company, except those appointed by King under this act, (lxxv) 530
27. Court, with approbation of Board, to make regulations for distribution of patronage in India, (lxxviii) 531
28. Court may nominate such a number of candidates for admission to Haileybury College as Board shall certify, not being less than four for each expected vacancy; one student to be admitted (civ) 539
29. If Court, within one month, fail to nominate, Board may nominate .. (civ) 539
30. Court to admit as students candidates highest on list of examiners .. (cv) 539
31. All powers of Court, except any patronage or right of appointment reserved to Court, to be under control of Board .. (cix) 540
32. Court to prepare, and lay before Parliament annually, account of annual Revenues of India, and annual receipts and disbursements, and of all debts and effects; also list of establishments and the salaries and allowances of same; new or increased salaries, &c. to be specially stated .. (cxvi) 542

DIRECTORS, CHAIRMAN OF COURT OF:

To sign, on part of Court, any special case agreed on between Board and Court, for opinion of Court of King's Bench, (xxxiii) 516

DIRECTORS, COURT OF, SECRET COMMITTEE:

1. To be appointed from time to time by Court and to take a certain oath .. (xxxv) 517
2. Orders to India requiring secrecy may be sent by Board through the Committee .. (xxxvi) 517

DISABILITIES:

In respect to religion, birth, colour, &c., in natives or other subjects, to hold office in India under Company, abolished, (lxxxvii) 534

DISOBEDIENCE of ORDERS and BREACH of TRUST:

A misdemeanor at law in Company's officers (lxxx) page 532

DIVIDENDS:

1. Secured by this act, not chargeable with Company's liabilities on 22d April 1834, or lawfully contracted after, on account of Government (ix) 509
2. A dividend of £10. 10s. per cent. per annum on present amount of Company's capital stock to be paid in Great Britain, half-yearly, out of territorial revenues .. (xi) 509
3. Subject to redemption by Parliament on, or after 30th April 1874, on payment of £200 for every £100 stock .. (xii) 509
4. Twelve-months' notice of redemption to be given (xii) 509
5. If on or after 30th April 1854, Company cease to retain government of India territories, they may, within a year, demand redemption within three years at above rate (xiii) 509
6. Company to pay to Commissioners for reduction of National Debt, £2,000,000, to form a security fund to accumulate to £12,000,000, for better security of dividend (xiv) 510
7. In case of failure or delay of remittances of proper funds for payment of dividend, necessary sum to be raised by Commissioners, on Court's requisition, by sale or mortgage of security fund, to be repaid when remittances are received (xv) 510
8. To be paid out of revenue remitted to Great Britain in preference to all other charges payable in Great Britain .. (xvii) 511

E.

EAST-INDIA COMPANY:

1. United Company of Merchants of England trading to the East-Indies may be so called in all suits and transactions .. (cx) 541
2. Entitled to, or claim, St. Helena and Bom-
4 M 2

EAST-INDIA COMPANY—*continued.*

- bay, under grants from Crown, and also entitled to certain rights and property not affected by expiration of Act 53 Geo. III. cap. 155 (i) page 505
3. Consent that their whole property, subject to present liabilities, shall be placed at disposal of Parliament, and that their right to trade shall be suspended whilst government of India be confided to them . . . (i) 505
4. Territory and revenues of British India to remain under their government till 30th April 1854 (St. Helena excepted) . . . (i) 506
5. Their whole property (except St. Helena), on 22d April 1834, to remain vested in them, in trust for the Crown, for service of government of India (subject to present debts and liabilities), discharged of all claims by them to their own use, except dividend (i) 506
6. All their powers, not repugnant to this Act, continued for term before-mentioned, (ii) 506
7. After 22d April 1834, their exclusive right to trade with China and in tea to cease; Company to close their commercial business, sell their property, and reduce their establishments, and abstain from all commercial business not incident to closing their actual concerns (iii, iv) 507
8. Not prevented from selling at such sales goods property of other persons (v) 507
9. Sale and disposal of Company's commercial property to be under control of Board (vi) 507
10. May consider claims of reduced commercial servants, their widows and children, and under control of Board, grant compensations, superannuations, or allowances, (vii) 508
11. Their own property (hereafter) and persons exempted from liability on account of any debts existing on 22d April 1834, or which may afterwards be lawfully contracted on account of government . . . (ix) 509
12. Property in trust to be still subject to legal suits and executions, while governing India (x) page 509
13. If deprived of government of India, they may, within one year, demand redemption of dividend (xiii) 509
14. Company to pay to Commissioners for reduction of National Debt £2,000,000, to form a security fund for better securing redemption of their dividend . . . (xiv) 510
15. King may dismiss any of their servants in India, or vacate appointments; copy of dismissal to be delivered to Company's Chairman within eight days . . . (lxxiv) 530
16. Board invested with full power to superintend and control all acts of Company relating to government or revenues of India, or property vested in Company, (vi) 507, (xxv) 513, (cix) 540

ECCLESIASTICAL ESTABLISHMENT:

1. Bishoprick of Calcutta too large, (lxxxix) 535
2. Expedient to alter its limits and found two distinct bishopricks subordinate to that of Calcutta (lxxxix) 535
3. If the King erects two bishopricks of Madras and Bombay, certain salaries to be paid out of territorial revenues . . . (lxxxix) 535
4. Salaries to commence on taking execution of office, and to be in lieu of all fees, (xc) 535
5. Passage-money of bishops to be paid by Court (xci) 535
6. Jurisdiction and functions of bishops to be confined to India, and King empowered to limit dioceses, jurisdiction, and functions of bishops of Calcutta, Madras, and Bombay, (xcii) 535, (xciii) 536
7. Bishop of Calcutta to be metropolitan, subject to general superintendence and revision of Archbishop of Canterbury . . . (xciv) 536
8. Warrants for bills on letters patent, appointing bishops of Calcutta, Madras, and Bom-

- bay, to be countersigned by president of Board alone (xcv) page 536
9. King may grant certain pensions to Bishops of Madras and Bombay after fifteen years' service (xcvi) 536
10. Allowances may be made to representatives of bishops dying within six months after arrival, or after six months' holding office in India (xcvii) 537
11. Period of residence of a suffragan bishop translated to Calcutta, or archdeacon promoted to a bishoprick .. (xcviii) 537
12. Consecration of bishops .. (xcix) 537
13. Expenses of bishop's visitations to be paid out of territorial revenues .. (c) 537
14. Amount to be settled by Court, with approbation of Board (c) 538
15. No archdeacon in India hereafter to receive, as such, a salary exceeding 3,000 sicca rupees per annum (ci) 538
16. Limitation of expense of Episcopal establishment (ci) 538
17. Two chaplains of Church of Scotland to be on establishment of each presidency, at salary allotted to military chaplains (cii) 538
18. Governor General in Council may, with sanction of Court and Board, grant money to any sect or community of Christians in India for purpose of instruction, or for maintenance of places of worship, (cii) 538

EFFECTS of COMPANY :

See PROPERTY of COMPANY.

EXAMINERS at HAILEYBURY COLLEGE :

See CIVIL SERVICE.

G.

GOVERNMENT of INDIA :

ADMINISTRATION OF :

To remain with the Company till 30th April 1854 (i) 506

CONSTITUTION OF :

SUPREME GOVERNMENT.

1. Superintendence and control of whole civil and military government and revenue

- to vest in a Governor General of India in council (xxxix) page 518
2. Council to consist of four ordinary councillors, three appointed by Court from servants of Company of ten years' standing, (if military, not to be employed in military duties), the other appointed by Court not from Company's servants, and approved by the King; the last member to sit and vote only at making laws (xl) 519
3. Governor General of Bengal, on 22d April 1834, and Members of Council of that Presidency, to be first Governor General and Council of India (xli) 519
4. Vacancies in office of Governor General to be filled up by Court, with approbation of the King' (xlii) 519
5. Governor General in Council to legislate for all persons and all Courts of Justice in British India, and for all places and things therein, with certain exceptions (see LEGISLATION) (xliii) 520
6. Court, under control of Board, may disallow laws (xliv) 520
7. Till repealed, laws so made to be of the same force in India as an Act of Parliament; registration unnecessary (xlv) 520
8. Governor General in Council not authorized, without previous sanction of Court, to make any law, giving power to any courts other than King's courts, to subject natural born European subjects, or their children, to the punishment of death, or to abolish any King's courts (xlvi) 521
9. Rules for procedure of Governor General in Council to be submitted to Board by Court, and when approved to be laid before Parliament .. (xlvii) 521
10. Reservation of right of Parliament to make laws for India (li) 522
11. Laws made by Governor General in Council to be laid before Parliament (li) 522
12. Governor General with three ordinary

GOVERNMENTS, Constitution of Supreme— *continued.*

- members of Council to be a quorum for making laws and regulations; with one ordinary member for other functions; the Governor General to have a casting vote, (xlviii) page 521
13. Governor General may, in certain cases, and under certain rules of procedure, act in opposition to the opinion of the Council (xlix) 521
14. Council to assemble at a place appointed by Governor General in Council, (l) 522
15. When assembled within a subordinate presidency, the Governor to act as an extraordinary Member of Council .. (l) 522
16. Governor General in Council to have full power to superintend and control Governors and Governors in Council of presidencies .. (lxv) 527
17. Governor General in Council to take into consideration laws proposed by Governors and Governors in Council of presidencies, and communicate to them his resolutions thereon .. (lxvi) 528
18. Governor General in Council may appoint one of the ordinary Members of the Council of India to be Deputy Governor of Bengal .. (lxix) 528
19. Whenever Governor General in Council shall declare it expedient for him to visit any part of India without his Council, Governor General in Council may nominate a Member of Council to be President during the absence of Governor General (lxx) 528
20. In such case, Governor General in Council may authorise Governor General alone to exercise powers of Governor General in Council .. (lxx) 528
21. Governor General in Council may make articles of War for native officers and soldiers of the Indian army .. (lxxiii) 529
22. Governor General in Council to make

and transmit to Court, annually, a prospective estimate of number of Civil servants necessary to supply expected vacancies in India.—See CIVIL SERVANTS (cii) page 538

23. Acts unrepealed, relating to Governor General of Fort William in Council or alone, to apply to Governor General of India in Council or alone .. (lii) 522

SUBORDINATE GOVERNMENTS :

1. President of Fort William to be divided into two distinct presidencies, one to be styled "The Presidency of Fort William in Bengal," the other "The Presidency of Agra." .. (xxxviii) 518
2. Court, under control provided by this Act, to declare from time to time their respective limits .. (xxxviii) 518
3. Division not to affect establishments and forces, or course of promotion of Company's servants, or Mutiny Act or articles of war .. (lxxi) (lxxii) 529
4. Executive Governments of presidencies of Bengal, Madras, Bombay, and Agra, respectively, to be administered by a Governor and three Councillors; the Governor General of India to be Governor of Bengal, (lvi) 524
5. Court may, under Board's control, revoke and suspend appointment of Councils in presidencies, or reduce number of Councillors .. (lvii) 524
6. Whilst no Council is appointed, executive government to be administered by a Governor .. (lvii) 524
7. Governors of Madras and Bombay on 22d April 1834 to be first Governors under this Act, and Governor of Agra to be appointed by Court with King's approbation (lviii) 524
8. Governors of presidencies with or without Councils, to have same powers as at present in Council; but no Governor or Governor in Council to have power to make laws (unless in case of urgent necessity), or to create any new office or grant any salary .. (lix) 525

9. Governors and Governors in Council bound to obey orders of Governor General in Council (lxv) page 527
10. They may propose laws to Governor General in Council, who is to take them into consideration, and communicate his resolutions thereon (lxvi) 527
11. Powers of Governors not to be suspended by visit of Governor General to presidencies (lxvii) 528
12. Governors to communicate to Governor General in Council copies of all orders, acts, and material intelligence, or such as shall be required (lxviii) 528

GOVERNOR GENERAL of INDIA:

1. To be appointed by Court, with approbation of King (xlii) 519
2. Salary of (lxxvi) 530
3. Passage-money of (lxxvi) 531
4. In case of vacancy in office of, and no successor on the spot, ordinary Member of Council next in rank to act (lxii) .. 526
See also GOVERNMENT of INDIA.

GOVERNOR, DEPUTY, of BENGAL:

Governor General in Council, in case of exigency, may appoint one from amongst ordinary members of Council of India (lix) 528

GOVERNORS of PRESIDENCIES:

1. Governor General of India to be Governor of Bengal (lvi) 524
2. Governors of Fort St. George and Bombay on 22d April 1834 to be first Governors under this Act (lviii) 524
3. Governor of Agra, and all future Governors of Madras, Bombay, and Agra, to be appointed by Court with approbation of King, (lviii) 525
4. Salary of (lxxvi) 530
5. Passage-money of (lxxvi) 531
6. In case of vacancy in office of, and no successor on the spot, Member of Council next in rank (not Commander-in-chief), and if no Council, senior Secretary, to act. (lxiii) 526
See also GOVERNMENT of INDIA.

GRATUITIES:

Acceptance of, by, Governor General, Governors, or Members of Council, a misdemeanour (lxxvi) page 531

GUARANTEE FUND:

See SECURITY FUND.

H.

HAILEYBURY COLLEGE:

See CIVIL SERVICE.

HOME ESTABLISHMENT of COM-

PANY:

1. Commercial establishments to be reduced as they become unnecessary .. (iv) 507
2. Reductions to be under control of Board, .. (vi) 507
3. Claims of reduced officers, their widows and children, may be considered by Company, who may, under Board's control, grant compensations, superannuations, or allowances to be defrayed by Company .. (vii) 508
4. Particulars thereof to be laid before Parliament every year .. (viii) 508
5. Board not to have power of appointing servants of Company, or of interfering with officers and servants of home establishment; unnecessary for Court to submit to Board their communications with such officers and servants (xxxiv) 516
6. An estimate of the sum annually required for salaries of Court of Directors and their officers and contingent expenses, and of expenses of Courts of Proprietors, to be submitted to Board by Court, which sum (subject to reduction by Board) to be applicable, at discretion of Court, to such salaries and expenses, without Board's control (xxxvi) 518
7. Accounts of application to be rendered, (xxxvi) 518

I.

INDIA, BRITISH TERRITORIES in:

See TERRITORIES, His MAJESTY'S INDIAN.

GOVERNMENT of:

See GOVERNMENT of INDIA.

INDIAN LAW COMMISSIONERS:

See LAW COMMISSION.

J.

JUDICIAL ESTABLISHMENT:

See LAW COMMISSION.

K.

KING:

1. May, by sign manual, countersigned by Chancellor of Exchequer, direct salaries or allowances to be paid by Company to officers appointed by Board to attend them during winding up of Company's commercial business (vi) page 508
2. May, by letters patent, or under great seal, appoint persons, during pleasure, as Commissioners for the affairs of India (xix) 512
3. May, by sign manual, countersigned by Chancellor of Exchequer, direct fixed salaries to be paid by Company to President and officers of Board .. (xxiii) 513
4. Appointment of fourth ordinary member of Council of India, by Court, to be approved by his Majesty, under sign manual, countersigned by President of Board (xl) 519
5. Appointment of Governor General, by Court, to be approved by his Majesty, under sign manual, countersigned by President of Board, (xlii) 519
6. Governor-General of India in Council restrained from making laws affecting the sovereignty or dominion of the Crown in India.. (xliii) 520
7. Appointment of Governors of Madras, Bombay, and Agra, by Court, to be approved by his Majesty, under sign manual, countersigned by President of Board (lviii) 525
8. If Court neglect for two months to supply vacancy of any office in India, his Majesty may appoint, under sign manual: any person so appointed not subject to removal but with King's consent" (lx) 525
9. Provisional appointments, by Court, to offices of Governor General, Governor, and Member of Council of India, to be approved by his Majesty as before .. (lxi) page 526
10. May, by sign manual, countersigned by President of Board, remove or dismiss any person holding office under Company in India, or vacate appointments; copy of writing to be delivered to Chairman of Company within eight days (lxxiv) 530
11. If his Majesty shall erect two Bishopricks, of Madras and Bombay, the salaries to be paid out of territorial revenues (lxxxix) 535
12. May, by letters patent, assign limits to dioceses and jurisdictions of bishopricks of Calcutta, Madras, and Bombay (xciii) 536
13. May, by letters patent, direct what jurisdiction and functions shall be enjoyed by Bishop of Calcutta as metropolitan .. (xciv) 536
14. May, by sign manual, countersigned by Chancellor of Exchequer, grant certain pensions to Bishops of Madras and Bombay, (xcvi) 536
15. May, by letters patent, require the Archbishop of Canterbury to issue a commission for consecration of Bishops in India, (xcix) 537
16. His Majesty in Council to revise and approve plan and rules prepared by Board, for formation of estimate of vacancies in India, good government of Haileybury College, examination and qualification of students, and appointment and remuneration of examiners (cvi) 540

L.

LANDS in INDIA:

1. May be acquired and held by natural-born subjects of King, authorized to reside in India, for any term of years, in parts where they are authorized to reside, (lxxxvi) 534
2. Governor General in Council may enable any King's subjects to acquire and hold land upon any estate or terms .. (lxxxvi) 534

LAW COMMISSION:

1. A general system of Judicial establishment and police for all persons in India expedient (lii) 522

2. The ascertaining and consolidation of laws and customs in India expedient (liii) page 523
3. Governor General in Council to empower Commissioners (not exceeding five) to inquire and report result of inquiries into jurisdiction, &c. of courts and police, forms of procedure, and laws .. (liii) 523
4. Persons employed as Commissioners to be recommended by Court with approbation of Board (liii) 523
5. And others whom Governor General in Council shall think fit (liii) 523
6. Commissioners to follow instructions of Governor General in Council, and to make special reports when required .. (liv) 523
7. Reports to be transmitted to Court with opinions or resolutions of Governor General in Council, and laid before Parliament (liv) 524
8. Governor General in Council to grant salaries to Commissioners and their officers; salaries of Commissioners to be according to highest scale of remuneration to officers below Members of Council .. (lv) 524

- ing life of natural-born European subjects of King or their children, or abolishing King's courts, to be passed without previous sanction of Court (xvi) page 521
6. Laws made as aforesaid to have same force in India as an Act of Parliament, while unrepealed, and need not be registered (xlv) 520
7. Drafts of laws may be proposed by Governments of presidencies to Governor General in Council, who is to take them into consideration and communicate his resolutions thereon (lxvi) 527
8. No law to be made by President in Council of India during absence of Governor General, without his assent .. (lxx) 529
9. Laws to be made by Governor General in Council for prevention or punishment of illicit entrance or residence in British India, (lxxxiv) 533
10. Laws to be made by Governor General in Council, with convenient speed, to provide for protection of natives of India from insult and outrage, that may arise from removal of restrictions on resort of Europeans to India (lxxxv) 534
11. Governor General in Council may make laws, enabling King's subjects to acquire or hold lands in India, for any estate (lxxxvi) 534
12. Drafts of laws for mitigating and extinguishing slavery in India to be transmitted by Governor General in Council to Court, who are to consider them and communicate their instructions thereon .. (lxxxviii) 534
13. No such laws to be put in force without Court's previous consent .. (lxxxviii) 534
14. Right of legislation for India expressly reserved to Parliament (li) 522

LAWS AND REGULATIONS:

See LEGISLATION in INDIA.

LEGISLATION in INDIA :

1. Power of, to vest in Governor General in Council (xliii) 519
2. To extend to all persons, places, and things, and all courts of justice, in India (xliii) 520
3. Laws not to alter provisions of this act, or Mutiny Act, or any act hereafter passed affecting the Company; not to affect the prerogative of the Crown, or the authority of Parliament, or rights of Company, or the allegiance of any British subject, or sovereignty of the Crown .. (xliiii) 529
4. Court, under control of Board, may disallow laws made by Governor General in Council, who shall forthwith repeal them..(xliv) 520
5. No laws giving power to any courts other than King's courts, to pass sentence affect-

LIABILITIES :

See DEBTS.

LICENSES :

See RESORT to INDIA.

M.

MEMBERS OF COUNCIL :

1. Of India, — three of four ordinary, to be appointed by Court from Company's servants of ten years' standing (if military, not to be employed in military duties); the other, not a Company's servant, to be appointed by Court and approved by King, but to sit and vote only at making laws (xl) page 519
2. Salary of (lxxvi) 530
3. Passage money of (lxxvi) 531
4. In case of vacancy in office of ordinary member of Council of India, and no successor on the spot, vacancy to be supplied by Governor General in Council (lxiv) 527
5. In case of vacancy in Councils of presidencies, vacancy to be supplied by Governor in Council of presidency (lxiv) 527
6. No person to be appointed temporary member who might not be appointed to fill vacancy (lxiv) 527

See also GOVERNMENT OF INDIA.

MISDEMEANORS under this ACT :

1. Governor General, ordinary Member of Council of India, Governor of Madras, Bombay, or Agra, or Member of Council in any presidency, who shall accept for his own use, in the discharge of his office, any present or reward, pecuniary or otherwise (other than his salary), or who shall trade or traffic, guilty of a misdemeanor (lxxvi) 531
2. Wilful disobedience of orders of Court (unless in cases of proved necessity) and wilful breach of trust and duty, by any officer or servant of Company, a misdemeanor (lxxx) 532

N.

NABOB of ARCOT :

- Creditors of, not to be prejudiced by this Act (xviii) 511

NATIVES of INDIA :

1. Governor General in Council to make laws,

with all convenient speed, for protection of, from insult and outrages that may arise from removal of restrictions on resort of Europeans to India .. (lxxxv) page 534

2. Not disabled by religion, birth, or colour, from filling any place, office, or employment under Company .. (lxxxvii) 534

NOTICE :

Of redemption of Company's dividend, after 30th April 1874, to be given by Speaker of House of Commons, in writing, twelve months prior (xii) 509

O.

OATH :

1. Of secrecy may be administered by Board to their officers (xxiv) 513
2. To be taken by Secret Committee of Court, (xxxv) 517

OFFICERS of BOARD :

See BOARD OF COMMISSIONERS for the AFFAIRS OF INDIA.

OFFICERS of COMPANY :

Commercial reduced.

See COMPENSATIONS.

Candidates for office of Directors.

See DIRECTORS.

1. Home officers not to be appointed or interfered with by Board .. (xxxiv) 516
2. Military officers, members of Council of India, to be employed in no military duties, (xl) 519
3. In India, may be removed or dismissed by the King; copy of dismission to be delivered to Chairman of Company within eight days, (lxxiv) 530
4. ———, Court's power to remove or dismiss, preserved, save officers appointed by King, (lxxv) 530
5. ———, dying absent from stations, intending to return, Company may continue payments now made to representatives, (lxxix) 532

P.

PARLIAMENT:

1. Company consent that their property shall be at disposal of (i) 505
2. May redeem Company's dividend on certain terms (xii) 509
3. Twelve months' notice to be given by Speaker of House of Commons (xii) 509
4. Governor General of India in Council restrained from making laws affecting authority of (xliii) 520
5. Express reservation of its right to legislate for India (li) page 522

ACCOUNTS, &c. to be LAID BEFORE

IT, viz.

1. Accounts of compensations, superannuations, or allowances granted by Company to reduced commercial officers . . (vii) (viii) 508
2. Accounts of salaries and allowances directed to be paid to officers appointed by Board to attend them during winding up of Company's commercial business . . (viii) 508
3. Rules submitted by Court and approved by Board for procedure of Governor General in Council (xlvii) 521
4. Laws made by Governor General in Council, (li) 522
5. Reports of Indian Law Commissioners, (liv) 524
6. Drafts of Rules for mitigating and extinguishing slavery in India, received by Court, with Court's Resolutions thereon (lxxxviii) 534
7. Accounts of annual produce of revenues of India, receipts and disbursements at home and abroad, and all debts and effects; also a list of establishments with salaries and allowances (cxvi) 542

PATRONAGE:

1. Court, with approbation of Board, to make regulations for distribution of, in India . . (lxxviii) 531
2. Vested in or reserved to Court, excepted from powers granted to Board over acts of Court, (cix) 540

PASSAGE MONEY:

1. Of Governor General, Members of Council of India, and Governors . . (lxxxi) page 531
2. Of Bishops of Madras and Bombay, (xci) 535

PENSIONS:

1. Company may, under Board's control, grant compensations, superannuations, or allowances to reduced commercial officers, their widows and children (vii) 508
2. The King may grant certain pensions to Bishops of Madras and Bombay (xcvi) 536
3. Account of any pew or increased, to be laid before Parliament by Court, annually, (cxvi) 542

POLICE:

See LAW COMMISSION.

PRESIDENT of COUNCIL of INDIA:

1. May be nominated by Governor General in Council from Members of Council of India, on absence of Governor General from presidency (lxx) 528
2. No law to be made by President and Council during absence of Governor General, without his assent (lxx) 529

PROFESSORS at HAILEYBURY

COLLEGE:

See CIVIL SERVICE.

PROPERTY of COMPANY:

1. Rights and claims not affected by expiration of Act 53 Geo. III. c. 155 (i) 505
2. For certain considerations, Company have consented that all their rights and property, subject to liabilities, shall be placed at disposal of Parliament, whilst government of India is confided to them (i) 505
3. To remain vested in Company, in trust, for service of government of India (except Saint Helena), discharged of all claims to their own use, except dividend (i) 506
4. Commercial property, not retained for government, to be sold, under control of Board (iv) (vi) 507
5. All acts and operations whereby the value

PROPERTY OF COMPANY—continued.

- of Company's commercial property may be affected, to be under superintendence and control of Board .. (vi) page 508
6. Their own separate property (hereafter) exempt of account of any debts existing on 22d April 1834, or afterwards lawfully contracted on account of government (ix) 509
7. Property in trust still subject to execution, (x) 509
8. £2,000,000 to form a security fund, and to accumulate to £12,000,000 .. (xiv) 510
1. Property in trust, subject to certain priorities of charge, to be applied to service of territories (xvii) 511

PROPRIETORS:

1. Not liable to Company's liabilities on 22d April 1834, or such as are legally contracted after that date, for service of government (ix) 509
2. May vote at ballot on election of Directors, if resident within the United Kingdom, by attorney (xxvii) 513

PROPRIETORS, COURTS OF:

1. Copies of minutes and proceedings at, to be delivered by Court of Directors to Board within eight days (xxix) 514
2. Estimate of annual expences of, to be submitted by Court to Board (subject to reduction by Board), and sum agreed on may be applied by Court without Board's control (xxxvii) 518

R.**REGISTRATION:**

Laws made by Governor General in Council need not be registered in any court of justice in India (xlv) 520

RELIGIOUS WORSHIP:

- See ECCLESIASTICAL ESTABLISHMENT.

REMITTANCES:

1. In case of failure or delay of to pay dividend, so much of security fund may be sold or

mortgaged by Commissioners for reduction of national debt, on requisition of Court, as required for that purpose, to be repaid when remittances are received .. (xv) page 510

2. Company's dividend to have preference of all territorial charges payable out of remittances in Great Britain (xvii) 511

REPRESENTATIVES:

1. Of Company's officers dying absent from their stations, intending to return thereto, Company may make same payment to as now (lxxix) 532
2. Of bishops, allowances may be made to, (xcvii) 537

RESIDENCE IN INDIA:

See RESORT TO INDIA.

RESIDENCE OF BISHOPS IN INDIA:

Periods of, regulated (xcviii) 537

RESIGNATIONS:

- Departure for Europe of Governor General, Governors, Members of Council, or Commanders-in-chief, only, to be deemed a resignation, except by deed .. (lxxix) 532
2. Salary to cease the day of departure or resignation (lxxix) 532

RESORT TO INDIA:

1. Any natural-born subjects of King may proceed by sea to any port or place in India, having a custom-house establishment, and reside thereat, or proceed to and reside in, or pass through, any part of the Carnatic, province of Cuttack, Singapore, and Malacca, without license (lxxxii) 533
2. All King's subjects, not natives, on arriving in any part of British India, from any port or place not within it, to state their names; destination, and objects of pursuit, to officer authorized for that purpose .. (lxxxii) 533
3. Not to enter British India by land, nor to proceed to or reside in any other part not above specified, without license from Board, or Court, or Governor General in Council,

- or Governor, or Governor in Council; except Company's servants .. (lxxxii) page 533
4. Licenses not to be revoked unless in accordance with express clause therein .. (xxxii) 533
 5. Governor General in Council, with consent of Court, may declare any place open to King's natural-born subjects, without license (lxxxiii) 533
 6. Governor General in Council to make laws for prevention or punishment of illicit entrance or residence in India .. (lxxxiv) 533
 7. Governor General in Council to provide, with convenient speed, by laws, for protection of natives of India, in consequence of removal of restrictions on resort of Europeans to India (lxxxv) 534

S.

SAINT HELENA:

1. Company entitled to or claim it under grant from Crown (i) 505
2. Vested in Crown (cxii) 541

SALARIES:

1. Of officers appointed to attend Board during winding up of Company's business to be paid by Company; particulars to be laid before Parliament annually .. (vi, viii) 508
2. Of President and officers of Board to be paid by Company salaries fixed by the King, (xxiii) 513
3. Payable out of territorial revenues or property in trust, with exceptions, to be under control of Board (xxv) 513
4. Of Court and its officers, to be included in estimate of sum annually required for salaries and expenses (subject to reduction by Board) to be, when agreed on, applied by Court without control of Board, (xxxvii), 518
5. To law commissioners and their officers, to be granted by Governor General; salaries of commissioners to be according to highest scale of remuneration given to Company's

- servants below the rank of Member of Council (lv) page 524
6. Amount of salaries of Governor General, Governors, and Members of Council: to be their whole profit (lxxvi) 530
 7. To be reduced by amount of any pension, salary, profit of office, or annuity held of Crown or Company .. (lxxvii) 530
 8. To cease on departure from India, or resignation (lxxix) 532
 9. If Governor General or Member of Council of India leave territory, or Governors or other officers leave presidency, not on actual service of Company, not to be paid to an agent .. (lxxix) 532
 10. Certain, in lieu of fees, to be paid to Bishops of Madras and Bombay out of territorial revenues (lxxxix) (xc) 535
 11. Proportion of, to be paid to representatives of a Bishop of Madras or Bombay dying within certain periods of arrival or taking office (xcvii) 537
 12. Of no archdeacon, as such, to exceed 3,000 sicca rupees per annum .. (ci) 538
 13. Board prohibited from granting any increase of established, unless provided for in this act (cx) 541
 14. Particulars of new or increased, to be laid before Parliament annually .. (cxvi) 542

SECRET DESPATCHES:

See DIRECTORS, Court of,—SECRET COMMITTEE.

SECRETARIES of BOARD:

See BOARD of COMMISSIONERS for AFFAIRS of INDIA.

SECURITY FUND:

1. Company to pay to Commissioners for reduction of National Debt £2,000,000, to form a security fund, for better securing to Company the redemption of dividend, to accumulate to £12,000,000 .. (xiv) 510
2. So much thereof may be sold or mortgaged by Commissioners, on Court's requisition, as required to pay dividend, in case of failure

SECURITY FUND—continued.

- or delay of remittances : to be repaid when remittances arrive . . . (xv) page 510
3. Dividends on stock of fund, after it shall amount to £12,000,000 (until applied to redemption of Company's dividend), and residue of fund after redemption of Company's dividend, to be applied in aid of territorial revenues (xvi) 511
4. The above sum of £2,000,000 to be paid out of any debt due to the Company from public, and from sale of any stock of Company, in preference to all other payments, (xvii) 511

SERVANTS of COMPANY :

See OFFICERS.

SLAVERY :

1. Governor General in Council to take into consideration forthwith means of mitigating and extinguishing slavery in British India, as soon as practicable and safe, (lxxxviii) 534
2. Drafts of laws for that purpose to be transmitted to Court, who shall consider them, and communicate their instructions (lxxxviii) 534
3. Laws not to be put in force without consent of Court (lxxxviii) 534
4. Drafts of all regulations on the subject to be laid before Parliament by Court every year (lxxxviii) 534

SPEAKER of HOUSE of COMMONS :

To signify, in writing, notice of Parliament's intended redemption of Company's dividend, after 22d April 1874, twelve months previous (xii) 509

STOCK of COMPANY :

See PROPERTY of COMPANY.

SUBJECTS, BRITISH :

See RESORT to INDIA.

SUPERANNUATIONS :

See COMPENSATIONS.

T.**TEA :**

1. Company's exclusive right of trading in to cease after 22d April 1834 . . (iii) page 507
2. Enactment requiring Company to keep a stock, repealed (cxiv) 541

TERRITORIES, HIS MAJESTY'S INDIAN :**POSSESSION OF :**

Government of to be continued to Company, in trust for the Crown, discharged of all claims of Company to their own use, except for dividend, from 22d April 1834 to the 30th April 1854 (i) 506

Saint Helena excepted. (See SAINT HELENA.)

REVENUES :

1. Of British territories in India (except St. Helena) to continue under government of Company till 30th April 1854 . . (i) 506
2. Company's bond debt and territorial debt, and all other debts and liabilities of Company on 22d April 1834, and all liabilities lawfully contracted by them after that date, on account of government, and all payments directed by this Act, to be charged upon aforesaid revenues (ix) 508
3. A dividend of £10.10s. per cent. per annum on amount of Company's Capital Stock, to be paid out of, half-yearly, in Great Britain, (xi) 509
4. Subject to redemption on or after 30th April 1874 (xii) 509
5. Twelve months' notice of redemption to be given (xii) 509
6. Excess of dividends on capital of Security-fund, after accumulating to £12,000,000, and excess of fund after redeeming Company's dividend, to be applied in aid of territorial revenues (xvi) 511
7. Dividends on Company's stock to be paid out of revenues remitted to Great Britain in preference to all other charges payable there (xvii) 511

8. Subject to certain priorities of charge, revenues to be applied to service of government, and to defraying charges sanctioned by this act (xvii) page 511
9. All grants, payments, and charges out of revenues, to be under control of Board (xxv) 513
10. Salaries of Bishops of Madras and Bombay to be paid out of (lxxxix) 535
11. Certain allowances to be paid out of to representatives of Bishops dying in India, (xcvii) 537
12. Expenses of visitations of Bishops of Madras and Bombay, defined by Court with approbation of Board, to be paid by Company out of (c) 537

TERRITORIES, GOVERNMENT OF:

See GOVERNMENT OF INDIA.

TRADE, COMPANY'S:

1. Company agree to its suspension during their government of Indian territories .. (i) 505
2. Company's exclusive right of trading with China and in tea to cease after 22d April 1834 (iii) 507
3. Company, from that date, to close all commercial business, sell their property not retained for purposes of government, reduce their establishments, and discontinue all commercial business not incident to closing their actual concerns .. (iv) 507
4. Not prevented from selling goods at such sales the property of other persons, (v) 507
5. Sales to be under superintendence and control of Board (vi) 507

6. Board to appoint officers to attend them, during winding up of Company's commercial business; salaries to be paid by Company, (vi) page 508

TRAFFIC:

By Governor General, Governors, or Members of Council, a misdemeanour .. (lxxvi) 531

VACANCIES:

1. In office of Governor General of India to be filled up by Court subject to approbation of King (xlii) 519
 2. In offices of Governor General, Governors of presidencies, or Members of Council, and no successor on the spot, how to be supplied, (lxii) 526, (lxiii) 526, (lxiv) 527
 3. Vacancies in any office in India, unsupplied by Court for two months, may be filled by the King (lx) 525
 4. Provisional appointments, in case of vacancy, may be made by Court .. (lxi) 526
- See also DIRECTORS, COURT OF, and CIVIL SERVICE.

VISITATIONS of BISHOPS in INDIA:

Expenses of by Bishops of Madras and Bombay to be defined by Court, with approbation of Board, and paid by Company out of territorial revenues (c) 537

W.

WIDOWS of REDUCED COMMERCIAL

OFFICERS:

See COMPENSATIONS.

INDEX

TO

THE CHINA TRADE BILL,

As passed by the Honourable the House of Commons, and the Right Honourable the House of Lords, intituled "An Act to regulate the Trade to China and "India."

[28th August 1833.]

The Roman Numerals refer to the numbers of the section in the Act as it received the Royal Assent; the Arabic Figures to the Pages of this Volume.

A.

ACTIONS:

1. Under this act, to be commenced within six months (ix) page 546
2. Except where the cause arises in any place not within jurisdiction of His Majesty's Civil courts; then within six months after parties are within the jurisdiction (ix) 546
3. To be brought in country or place where cause arises (ix) 546

ACTS:

Repealed or altered by this act, viz.

- | | |
|-------------------------|----------|
| 4 Geo IV. c. 80 | (i) 543 |
| 6 Geo. IV. c. 107 | (ii) 544 |
| 6 Geo. IV. c. 114 | (ii) 544 |

ASIATIC SAILORS:

1. Such parts of 4 Geo. IV. c. 80, as relate to Asiatic Sailors, ~~Lascars~~, being natives of India, not repealed (but not so as to revive acts repealed thereby) (i) 543

C.

CHINA TRADE:

See TRADE.

COURT of JUSTICE:

1. His Majesty in Council may create a Court of Justice, with Criminal and Admiralty jurisdiction, for trial of offences committed by British subjects in China, (vi) page 545
2. And appoint one of superintendents of trade in China to hold such Court, and appoint officers thereof, and grant salaries to them, (vi) 546

D.

DUTIES in CHINA:

1. His Majesty may, by order in Council, levy the following duties on British ships entering ports or places in China, where superintendents are stationed, to be appropriated to defray the expenses of the establishments authorized by this act (viii) 546
2. On ships, not exceeding 5s. per ton (viii) 546
3. On goods, not exceeding 10s. per cent. of value (viii) 546
4. Duties to be appropriated, in such manner as King in Council shall direct, to defraying

DUTIES IN CHINA—continued.

- expenses of establishments in China (viii) page 546
- 5. Orders in Council to be published in London Gazette (viii) 546
- 6. Duties raised, and expenses incurred, to be laid before Parliament annually, (viii) 546

E.**ESTABLISHMENTS in CHINA :**

- 1. Expenses of to be defrayed by a duty on tonnage and goods in China—(See DUTIES) (viii) 546
- 2. Expenses incurred to be laid before Parliament annually (viii) 546.

G.**GOODS, DUTY on in CHINA :**

See DUTIES.

I.**INDIA, TRADE with :**

See TRADE.

K.**KING :**

- 1. May, by sign manual, appoint three superintendents of British trade in China, to protect and promote such trade .. (v) 545
- 2. And settle their rank (v) 545
- 3. And appoint officers to assist them, (v) 545
- 4. And grant such salaries as he may think fit, (v) 545
- 5. In Council, may give to superintendents powers over such trade, and make regulations and impose penalties touching such trade, (vi) 545
- 6. And create a Court of Justice for trial of offences by British subjects in China, (vi) 545
- And appoint one of said superintendents to hold such court, and other officers, and to grant salaries to such officers .. (vi) 546

- 8. And authorize collection of certain duties in China, to be appropriated, as he shall, in Council, direct, to defray establishments in China (viii) page 546

LASCARS :

See ASIAN SAILORS.

LISTS of PERSONS :

See PERSONS.

M.**MANIFESTS :**

See TRADE.

P.**PARLIAMENT :**

Every order in council issued by authority of this act, and expenses incurred by establishments in China, and amount of duties raised to defray them, to be laid before .. (viii) 546

PERSONS ARRIVING in INDIA :

- 1. Commanders of vessels arriving at any place under government of Company, to deliver to officers of Customs a list of persons on board such vessels (iii) 544
- 2. Penalty for neglect £100 (iii) 544

PENALTIES :

- 1. Penalty of £100 for omitting to deliver list of persons on board vessels arriving in India, how to be recovered (iv) 545
- 2. May be imposed by his Majesty in Council for breach of regulations in China .. (vi) 545

PROHIBITIONS :

See TRADE.

R.**REGULATIONS :**

His Majesty may, by order in Council, make regulations touching trade and commerce of His Majesty's subjects in China .. (vi) 545

S.

SUPERINTENDENTS:

1. Expedient for objects of trade and amicable intercourse with China to establish a British authority there (v) page 545
2. His Majesty may, by sign manual, appoint three Superintendents of British trade in China, to protect and promote such trade.. .. (v) 545
3. One to be chief Superintendent .. (v) 545
4. His Majesty may appoint officers to assist them (v) 545
5. And grant salaries (v) 545
6. And may, by order in council, give powers to Superintendents over such trade .. (vi) 545
- 7 King in Council may appoint one of them to be the officer to hold court of justice created by his Majesty in China, (vi) 545
8. No Superintendent to accept any gratuity, other than salary, or engage in trade, (vii) 546

T.

TEA:

See CHINA TRADE.

TONNAGE DUTY in CHINA:

See DUTIES.

TRADE with INDIA and CHINA:

1. Company's exclusive right to trade with China and in tea ceases after 22d April 1834 (i) 543
2. Expedient that the trade with India and China

should be open to all His Majesty's subjects, and that restrictions on their trading with places beyond the Cape to the Straights of Magellan should be removed, (i) page 543

3. From 22d April 1834, act of 4 Geo. IV. c. 80, repealed (i) 543
4. Except as to Asiatic sailors, natives of British India (so as not to revive acts repealed) (i) 543
5. And as to voyages actually commenced under authority of this act .. (i) 543
6. And as to suits depending on 22d April 1834 (i) 543
7. Provisions in 6 Geo. IV. cc. 107 and 114, prohibiting importation of tea unless from place of its growth, and by the Company, and into London; and prohibiting the importation of China goods, unless by Company, and into London; and requiring manifests of ships from China to be authenticated by Company's supra-cargo and prohibiting importation of tea into British America or Mauritius, except from United Kingdom or British America, and unless by the Company or with their license, repealed after 22d April 1834 (ii) 544
8. All British subjects may after that date carry on trade with any countries beyond the Cape of Good Hope to the Straights of Magellan (ii) 544

SUPERINTENDENTS of CHINA TRADE.

See SUPERINTENDENTS.

THE END.

